UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 29 2017

The Honorable Roger Wicker
United States Senate
Washington, DC 20510

Dear Senator Wicker:

Thank you for your letter dated November 1, 2017, to the EPA Administrator Scott Pruitt requesting EPA action at the former Rockwell International, Inc. and Randal Textron, Inc. Plant, known to the EPA as both the Grenada Manufacturing, LLC and Rockwell International Wheel & Trim facility (Facility) in Grenada, Mississippi. Your letter was forwarded to my office for response.

As you are aware, since 1995, the EPA has overseen the monitoring and cleanup of the Facility under the Resource Conservation and Recovery Act (RCRA) corrective action program. The original 1998 RCRA permit for the Facility provided the initial authority requiring the Facility to address historic legacy contamination. Under the RCRA permit, the Facility has conducted several investigations and response actions over the years, including regular groundwater monitoring and closure of the former sludge lagoon. Institutional controls were also put in place to prevent potential exposures. A permeable reactive barrier (PRB) wall was installed to control groundwater migration into Riverdale Creek. The EPA is currently conducting a pilot study to improve the performance of the PRB and the EPA has directed the Facility to either take corrective measures to improve the effectiveness of the PRB or develop alternate measures to control the groundwater discharges to Riverdale Creek.

We share your concern in ensuring protection of human health for those individuals associated with and near the Facility. An environmental study was conducted in and around the Eastern Heights neighborhood in Grenada, Mississippi, to evaluate whether contamination may be migrating into the community from the Facility or other sources. Based on results received to date, the EPA has determined that current environmental conditions pose no immediate threat to public health in the Eastern Heights neighborhood due to trichloroethylene (TCE). With regard to potential worker exposure, the EPA also directed that an air study be conducted inside the Facility's main plant building. Elevated levels of TCE were detected in the Facility's indoor air, as well as beneath the concrete floor. Based on results received to date for the Facility, the EPA has directed Ice Industries (the current owner of the Grenada Stamping facility) to notify workers of the elevated TCE concentrations and to implement immediate actions at the Facility to reduce worker exposure. Attached are Fact Sheets for each of these studies which contain more information. In addition, the Mississippi Department of Environmental Quality (MDEQ) has been addressing off-site contamination to the east of the Facility next to Moose Lodge Road since the late 1990's. This former dumping site has been remediated for soils, but groundwater contamination still exists. Details on recent EPA activities are available at the following website https://www.epa.gov/grenadacleanup.

Your letter requested consideration of four action items related to an overall remedy. We are taking your recommendations under advisement and currently reviewing all available authorities and options granted to us by law. Our priority is a comprehensive approach that addresses all contamination and issues at the Facility and surrounding community. The EPA is considering all tools and options, including listing the site on the Superfund National Priorities List. The EPA is coordinating closely with the MDEQ, the Mississippi State Department of Health and the Agency for Toxic Substances and Disease Registry. Additionally, we will continue to engage with the community and local officials, keeping them informed and listening to their concerns.

If you have questions or need additional information from the EPA, please contact me or Allison Wise, in the Region 4 Office of Government Relations, at (404) 562-8327.

Sincerely,

Onis "Trey" Glenn, III
Regional Administrator

Enclosures

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NOV 2 9 2017

The Honorable Bennie G. Thompson
House of Representatives
Washington, DC 20515

Dear Congressman Thompson:

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If you have questions or need additional information from the EPA, please contact me or Allison Wise, in the Region 4 Office of Government Relations, at (404) 562-8327.

Sincerely,

Onis "Trey" Glenn, III
Regional Administrator

Enclosures

Congress of the United States

Washington, DC 20510

November 1, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are deeply concerned about the environmental contamination impacting the former Rockwell International, Inc. and Randal Textron, Inc. Plant in Grenada, Mississippi. The contamination of water, air, and soil by known carcinogens has persisted in this area since the 1960s and is now impacting a residential neighborhood and multiple aquifers in Central Mississippi.

Approximately three decades ago, the Environmental Protection Agency (EPA) intervened in the management of pollutants at the plant. Since that time, contaminants have migrated away from the plant site and into adjacent waterways and the Eastern Heights neighborhood. A number of individuals in this area have developed illnesses, specifically cancers, which they allege to be associated with toxic exposures. In addition, we understand that approximately 18 lawsuits seeking recovery for such injuries will be filed in federal court before the end of the year.

Recent testing of the manufacturing facility air showed dangerously high levels of trichloroethylene (TCE) emanating from the contaminated soil beneath the foundation. The levels of TCE detected pose concrete health risks to current employees of the facility, now run by ICE Industries. This threatens the viability of one of Grenada County's largest and most important manufacturing employers. Similarly, TCE vapors have been detected in the ambient air near the Eastern Heights neighborhood, which is located directly north of the manufacturing facility.

For years, TCE and Tolulene, another toxin, leaked from storage tanks at the plant. Ultimately, this saturated the soil and leached into the groundwater and aquifer beneath the facility. Groundwater contamination under the southern portion of the Eastern Heights neighborhood was detected in 2015. These releases of TCE, combined with the widespread disposal of toxic manufacturing waste and unsuccessful remediation efforts, have created an environmental and human calamity that demands action.

It is time to bring this regrettable situation to a resolution. To that end, we would like to suggest the administration consider the following action items:

1. Implement a plan to remove and treat the contaminated soil and groundwater entirely;

2. Erect a series of slurry walls or other hydraulic barriers to prevent further spread of the contaminant plumes;

3. Appoint a third-party administrator to monitor the effectiveness of proposed remedies; and

4. Remove the responsible parties from the decision-making process with regard to selection and implementation of available remedies.

We believe that these measured steps will assure the citizens of Grenada that the government is working to protect their health and welfare. The residents and workers affected by the contamination at the Grenada manufacturing facility have suffered inaction for too long. Their frustration and outrage are justified. We urge the Environmental Protection Agency to use all assets and authority at its disposal to take control of this crisis immediately.

Sincerely,

Roger F. Wicker
United States Senator

Bennie G. Thompson
Member of Congress

CC: Office of Chemical Safety and Pollution Prevention (OCSPP)

November 15, 2017

Via E-mail (smith.stephen@epa.gov) and Certified Mail, Return Receipt Requested

Stephen P. Smith
Associate Regional Counsel
United States Environmental Protection Agency,
Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

Re: Tetra Tech Final Expanded Site Inspection Report, Revision 1 (April 2017), Grenada Manufacturing Site, EPA ID MSD007037278

Dear Stephen:

As we have recently discussed, on behalf of Meritor, Inc. ("Meritor"), please find the enclosed T&M Associates' ("T&M") technical comments based upon its review of the Tetra Tech, Inc. Superfund Technical Assessment and Response Team ("Tetra Tech") Final Expanded Site Inspection Report ("Report") for the Grenada Manufacturing Site ("Site") in Grenada, Mississippi. Tetra Tech conducted the Expanded Site Investigation and prepared the April 2017 Report on behalf of the United States Environmental Protection Agency.

As T&M's detailed comments confirm, the Expanded Site Investigation and related analysis and conclusions in the Report suffer from an exceptional number of significant technical flaws and inappropriate assumptions and conclusions, which results in an unacceptably biased and technically inaccurate Report. The comments further detail that Tetra Tech failed to follow established EPA, Site Inspection and Hazard Ranking System ("HRS") guidance in conducting this Site Inspection. Tetra Tech's data suffers from countless critical data quality issues, yet the Report glosses over these deficiencies and instead draws conclusions as if the data had met EPA's policies and protocol. The Report all but ignores the long history of investigation and sampling data collected at the Site, and when it does consider this information, the Report frequently misstates what has occurred or cherry-picks very select data to reach its biased conclusions.

Due to the Report's many serious technical errors, disregard for EPA guidance and protocol and historical Site data, and other important deficiencies noted in the enclosed comments, the Report is unsuitable for HRS scoring or any other purpose.

Meritor proposes that the parties schedule a meeting after EPA has a chance to review the enclosed comments to jointly discuss the comments and next steps. Meritor and its predecessors

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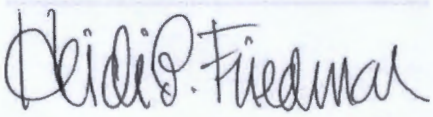
have resolutely and consistently performed investigation and remediation activities at the Site for many years and are committed to continuing the positive working relationship with EPA with respect to the Site. We look forward to your attention to the enclosed comments in order to move the Site forward in a technical-appropriate manner.

As always, please feel free to contact me with any questions.

Very truly yours,



Heidi B. (Goldstein) Friedman

Enclosure

cc: James Peeples, PE
David O'Connor
Trudy Fisher

YOUR GOALS. OUR MISSION.

MEMORANDUM

To: United States Environmental Protection Agency

From: T&M Associates, Inc.

Subject: Review of "Final Expanded Site Inspection Report, Revision 1" (Tetra Tech, 2017)

Date: November 14, 2017

T&M Associates (T&M), on behalf of Meritor, Inc., has reviewed the April 2017 *Final Expanded Site Inspection Report, Revision 1, (Tetra Tech, 2017)* (Report) prepared by Tetra Tech on behalf of the United States Environmental Protection Agency (EPA) for the Grenada Manufacturing (referenced as GM site in the Report) Site in Grenada, Mississippi (Site). Detailed technical comments on the Report resulting from T&M's review are provided below.

In sum, the Expanded Site Inspection (ESI) Report contains a series of critical errors and assumptions, runs contrary to accepted EPA protocol and guidance and is missing for review significant field and laboratory documentation to fully assess the work performed. The Report and associated work contain the following primary categories of flaws:

1. **Data Quality Issues:** An unusually large number of data quality issues are present in the field and laboratory work performed for this ESI. In addition, T&M collected split samples for the first phase of work (investigation work except in Eastern Heights Neighborhood). A comparison between the Report data and the corresponding split samples (comparable to duplicate samples) results in more data qualification and raises additional doubts regarding the usability of the data included in the Report.
2. **Insufficient Background Data:** Many constituents identified in the Report as "detected" or being present at "elevated levels" are naturally-occurring parameters, such as metals, which require comparison to background concentrations before making conclusions regarding "elevated levels." Insufficient background data were collected to make appropriate comparisons rendering conclusions about "elevated levels" suspect.
3. **Improper Use of Qualified Data:** Where data quality issues were acknowledged in the Report and J-qualified data were presented, the Report failed to follow standard EPA, SI and Hazard Ranking System (HRS) guidance for handling qualified data. The Report generally did not identify the bias associated with the qualified data, apply adjustment factors or disqualify the data from quantitative use when the nature of the bias could not be determined. Instead, the Report improperly applied qualified data as if it were unqualified, and therefore improperly drew conclusions using that qualified data.
4. **Insufficient Information:** The Report did not provide sufficient information typically included in this type of report to fully assess the usability of the data. A list of additional information needed to fully evaluate the Report is compiled in Section III.
5. **Incorrect and Poorly Presented Information**: The report is written as if the authors intended to use data, which are generally favorable to the Site, to provide the appearance of unresolved environmental issues. Section IV identifies factually incorrect statements in the Report and the use of language to inappropriately infer Site contamination or connections between the Eastern

Heights neighborhood and the Site where the comprehensive Site data set instead confirm that these conditions do not exist.

Each of these issues alone is sufficient to call the Report into question. Collectively, the flaws result in a Report that cannot be relied upon for HRS scoring or for any other purpose. The reader of these comments is encouraged to compare the data and presentation in this Report to the report summarizing EPA's investigation completed in the neighborhood for the VI assessment (Grenada Manufacturing Vapor Intrusion Sampling Event, USEPA Region 4 Science and Ecosystem Support Division (SESD), May 2016). Few data quality issues are present in the latter report, and where present, they are appropriately documented and handled. The SESD report presents the data in a usable and unbiased manner and provides a clear and succinct discussion of the results.

This review is divided into five Sections. Section I contains discussions of the Report's evaluation of potential source areas, the groundwater pathway and the surface water pathway. Section II provides recommended changes to the Report text. Section III identifies information that is missing from the Report and needed for a complete review. Section IV contains summary information regarding specific data quality issues identified in field and laboratory work. Section V includes a list of references used for this review.

SECTION I – Source Investigations, Groundwater Pathway, Surface Water Pathway

1. **Source Investigations**: The Report represents that Tetra Tech investigated the following eight potential source areas:

   a. The former disposal area (former on-site landfill);
   b. The baseball field;
   c. The former wastewater treatment plant (WTP) area;
   d. The former equalization lagoon (EQ lagoon);
   e. The former WTP clarifier;
   f. The Eastern Heights neighborhood;
   g. The former sludge lagoon; and
   h. Contaminated soil

Of these eight areas listed, samples were only collected in (a) – (f) above. Samples were likely not collected from the former sludge lagoon due to the composite capping system placed over this area following remediation in 2010, but this is not discussed in the Report. Samples also do not appear to have been collected for the area listed as "Contaminated soil".

The Report does not conclude that any of the six areas investigated are source areas, and T&M concurs that none of the areas investigated are source areas. The Report references "elevated" concentrations of metals and/or volatile organic compounds (VOCs) in some areas as exceedances of screening levels. However, the inadequate background sample set brings into question the "elevated" designation for all naturally occurring parameters (including naturally occurring VOCs). Additionally, the Report does not provide adequate justification for the screening levels used; data quality issues make the use of data for non-naturally occurring parameters problematic; and the Report's failure to properly handle J-qualified data prevents definitive conclusions regarding potential source areas.

The one compound, which is not naturally-occurring, and which was detected in source areas without a designation indicating a data quality issue, was hexavalent chromium. Four surface and subsurface samples from the former WTP area and 10 surface and subsurface soil samples from the former waste disposal area were analyzed for hexavalent chromium. Five of the 14 samples plus one duplicate showed hexavalent chromium above the reporting limit, T&M collected split samples at each location and analyzed the samples for all parameters included in the Report. The split sample results for hexavalent chromium were not consistent with the results provided in the Report. Table 1 compares the Report results and the results obtained by T&M. All five split samples showed hexavalent chromium concentrations significantly lower than the Tetra Tech data.

The low-level hexavalent chromium results for split samples found to be non-detect must be J-qualified with an undetermined bias. Hexavalent chromium results detected by both laboratories at significantly different concentrations should be treated as duplicate samples with a high relative percent difference (RPD). An RPD above 50% would result in J-qualified data with an unknown bias. Sample GM-DA-10A would have an RPD of 178% while the duplicate of this sample would have an RPD of 158%. Resampling at each of these locations would be required if the results are to be used for HRS scoring or for any other purpose.

The one naturally-occurring parameter for which adequate background data appear to be present is arsenic in shallow soil. The Report used results from a study of Mississippi (and northern Mississippi) soils to develop a background concentration for arsenic, although the data and methods used to develop the background concentration could not be evaluated. The Report references a "project note to file with attachment" for calculation of the background concentration, which is not provided. If the background soil concentration for arsenic, derived in this manner, were to be applied, none of the potential source areas would have "elevated" arsenic levels in soil.

2. **Groundwater Pathway:** In Section 6.1, the Report makes the following statement, "Groundwater samples from MW-9 contained lead (up to 0.024 mg/L), which is a site-related hazardous substance. The presence of lead in the lower confined aquifer suggests that lead contamination might have migrated from on-site sources to the lower aquifer." This statement is incorrect and misleading. The Report further uses the purported presence of lead in MW-9 as a means to indicate a potential for Site contaminants to affect public water supply wells in the area. There are multiple technical problems with this line of reasoning.

The MW-9 sample cited in the Report was obtained during the remedial investigation (RI) in the early 1990s, when the well was sampled using a bailer. It is commonly known that bailing disturbs the water column, mobilizes aquifer sediment and provides a high bias to metals results. Lead is a naturally-occurring, background constituent in the aquifer sediment at the Site and throughout the area. These results are therefore not indicative of actual lead concentrations in groundwater.

Well MW-9 is sampled as part of the regular monitoring program. Since 2014, groundwater samples from MW-9 have been collected using low flow sampling techniques with a dedicated pump, ensuring a sample turbidity of less than 10 NTU. With this sampling protocol, no metals, including lead, have been detected. These results confirm that lead is not a contaminant in groundwater at MW-9, or by extension, in the Lower Aquifer.

Further, a prerequisite for lead to migrate to the Lower Aquifer as a Site contaminant would be the presence of lead as a contaminant in groundwater in the Upper Aquifer. Similar low-level detections of lead have occurred in monitoring wells completed in the Upper Aquifer when sample turbidity is not appropriately controlled. However, when turbidity is controlled, there have been no detections of lead in any well in the monitoring program. Lead is therefore not present as a groundwater contaminant in the Upper Aquifer and consequently could not be transported to the Lower Aquifer.

Additionally, the Report fails to recognize the significance of the shaley clay aquitard (SCA) that separates the Upper and Lower Aquifers and is a prominent and vital component to understanding the Site hydrogeology and conceptual site model (CSM). The SCA is a low permeability aquitard found consistently at the Site and throughout the Study Area. In addition to its low permeability, the groundwater gradient across the SCA is directed upward. Water level data have been collected from MW-9 (Lower Aquifer) and MW-12 (Upper Aquifer) 25 times between December 1991 and May 2017 (Table 2). In each case, the gradient between the aquifers has been upward (a higher water level in the Lower Aquifer compared to the Upper Aquifer) with water-level differences between the two zones ranging from 2.16 to 9.20 feet and averaging 6.70 feet over this 26-year period. Table 1 presents the vertical gradient data for MW-9 and MW-12.

The upward gradient across the SCA ensures that any small flow that might occur within this low permeability unit would be directed upward from the Lower Aquifer to the Upper Aquifer. The low permeability of the SCA and the upward gradient prevent contaminant transport from the Upper Aquifer to the Lower Aquifer. All public water supply wells in the region obtain water from the deeper regional aquifer system, which is isolated from the Upper Aquifer at the Site by the SCA and likely by other confining units lower in the aquifer system.

The understanding that the SCA is a complete barrier to contaminant transport is supported by the ongoing monitoring program and results at MW-9, and by sampling water supply wells at the Site (completed in the deeper regional aquifer system) during the RI and again in 2016. In all cases, the sampling has confirmed that there are no chlorinated VOCs (CVOCs) present in the Lower Aquifer. If the deeper regional aquifer system, directly beneath the Site and separated from the Upper Aquifer by the SCA, does not contain CVOCs, the public water supply wells have not and will not be impacted by Site contaminants. Further, a review of the records from public water supply wells in the area reveals that no Site contaminants are present in these wells. All discussion related to a potential pathway from on-Site contaminants to public water supplies is unsupported and must be removed from the Report.

3. **Surface Water Pathway:** The on-Site and off-Site drainage ditches are intermittent water conveyance systems that only flow during and shortly after rainfall events. None of the water conveyance ditches are considered surface water bodies for HRS scoring; however, the ditches could represent pathways from source areas to potential targets. Given that no source areas were confirmed at the Site, the drainage ditches should not represent pathways to potential targets or receptors, unless other sources to the ditches are identified.

Data obtained for the conveyance ditches and discharge locations were generally subject to the same problems identified and discussed above for the source area samples. In most cases, an inadequate number of background samples were collected to allow valid comparisons for parameters that are naturally-occurring (except for sediment samples obtained from Riverdale Creek, discussed below). Comparison of sediment and surface water to EPA SSVs and SWSVs is not appropriate for naturally-

occurring compounds. Adequate background data sets should have been obtained for comparison. Most of the data obtained for parameters that are not naturally-occurring was subject to the same data quality issues identified for the source area sampling. However, three surface water samples were collected from the outfall ditch where CVOCs were detected and the data were not J-qualified. This exception is discussed in greater detail below.

Sediment samples, including one duplicate sample, were collected from Riverdale Creek at four locations upstream of its confluence with the outfall ditch, and six sediment samples were collected downstream of the confluence. For this work, Tetra Tech obtained an adequate number of background samples to allow an appropriate comparison to the downstream sediment samples. For all naturally-occurring parameters, the downstream (comparison) analytical results indicated no impact to Riverdale Creek sediment from the outfall ditch or other discharges to Riverdale Creek from the Site. The VOC results from the sediment sampling were subject to the same data quality issues found with the majority of the ESI work, with J-qualified detections of acetone in two background sediment samples. As with nearly all acetone detections in this study, the data were J-qualified, could have resulted from sampling or laboratory errors, or could be naturally-occurring. In any case, acetone is not a Site-specific contaminant and its detection should not be linked with legacy contamination at the Site. For the Riverdale Creek samples, the acetone detections were in background samples and so are obviously not related to the Site, but the presence of acetone in these background samples should raise additional concern for all acetone detections obtained for this ESI.

SECTION II – Report Text

Recommended changes to the Report text:

a. Section 2.1 of the Report incorrectly states that the Site is bordered to the north by the Eastern Heights neighborhood. The Site is bordered to the north and east by the Grenada Railroad Corporation property.

b. In Section 2.3, the Report refers to "contaminated soil throughout the GM Property" as a potential source area. The presence of "contaminated soil throughout the GM property" is not supported by the data presented in this Report or Site data collected over the past 25 years.

c. In Section 2.3, the Report incorrectly states that a multi-phase extraction system and a sheet pile barrier were installed as previous remedial actions. Neither of these remedial measures were installed. The Corrective Measures Pre-Design Investigation Results Report (BC, 2008) should be consulted for information regarding these proposed remedial measures.

d. Section 2.3 states, "the eastern portion of the equalization lagoon was allowed to refill with surface water runoff". Surface water runoff is excluded from the eastern portion of the EQ Lagoon. A clay liner was placed at the base of this area and the pond was allowed to fill with rainwater. The pond is not a storm water basin for the site and was designed not to receive run-on from surrounding areas.

e. Section 2.3 refers to soil samples collected during the 2000 RCRA Facility Investigation (RFI) within the former TCE storage area. The samples referenced were not collected during the RFI, but were collected during the Remedial Investigation (RI) in 1992.

f. Section 2.3 of the Report discusses well MW-20 in a section describing the Former TCE Storage Area (AOC A), implying that MW-20 is in or near AOC A. In fact, MW-20 is located approximately 600 feet from AOC A and monitors groundwater from the neighborhood CVOC plume, not the Site CVOC plume. In addition, the Report inaccurately states, "TCE concentrations have increased annually each year MW-20 was sampled.", suggesting that a clear data trend was present and ignored. TCE concentrations did increase to 0.430 mg/L for the 2012 sampling event, but concentrations prior to this sampling event were variable, between 0.018 and 0.086 mg/L, and did not increase in a consistent manner as the Report states. Table 3 provides the complete set of CVOC data for MW-20, including data collected since 2012.

g. Section 2.3 of the Report states "The potential for a vapor intrusion (VI) pathway to homes in the neighborhood was investigated because the ground water contamination is adjacent to and likely under Eastern Heights, just north of GM." Although the statement correctly indicates that the VI pathway to homes in the neighborhood was investigated (by Meritor and by EPA), including the phrase "just north of GM" leads the reader to the incorrect conclusion that neighborhood CVOC plume originated at the Site. Multiple lines of evidence indicate that CVOCs present in groundwater beneath the southern portion of the neighborhood do not originate at the Site. Further, the Report fails to include EPA's widely accepted conclusion to the VI investigation that the vapor intrusion pathway in the neighborhood is incomplete (i.e., CVOCs from groundwater are not migrating to homes in the neighborhood).

h. Section 2.3 of the Report states "Benzene (at 1.6 $\mu g/m^3$), cDCE (up to 4.4 $\mu g/m^3$), toluene (up to 100 $\mu g/m^3$), and TCE (up to 75 $\mu g/m^3$) were detected in sub-slab soil gas samples collected from residences." As written, the Report presents an inaccurate summary and assessment of the data. The statement incorrectly implies that that all subslab soil gas samples contained benzene. Of the 72 subslab samples collected from homes in the neighborhood (by EPA and Arcadis), 19 samples detected low-level benzene, with 18 of the 19 detections J-qualified. Only one sample contained an unqualified detection of benzene (GM116SS1116) at 1.7 ug/m^3. Of the 18 J-qualified benzene detections, 17 were below 1 ug/m^3, with the remaining benzene detection at 3.2 J ug/m^3. The EPA VISL screening level used for benzene for the neighborhood subslab samples was 12 ug/m^3, much higher than the benzene detections. Further, the Report incorrectly indicates a detection of TCE at 75 ug/m^3 in a subslab sample. Of the 72 subslab samples collected in the neighborhood, six samples detected TCE and all but one of the detections were J-qualified and less than 1 ug/m^3. The single unqualified detection of TCE was at 22 ug/m^3 [1-DUP-SS(092315)] and the corresponding duplicate subslab sample was nondetect (<6.6 ug/m^3) for TCE, as was the follow-up Spring sample (<6.4 ug/m^3). Aside from inaccurate representations, the Report does not present the subslab sampling data in a useful manner. The data should be compared to screening values and the significance of the subslab results should be discussed in conjunction with the indoor air sampling results. The report should present the results of the indoor air sampling program in a complete and unbiased manner or should simply not discuss these data, which were not obtained by Tetra Tech.

i. Section 5 of the Report presents investigation data from potential source areas. The "up to" approach for data presentation is used for each area discussed. This method of data presentation is misleading and not appropriate for a factual reporting of the data. This approach necessarily biases each conclusion to the worst-case scenario and is not an accurate representation of the conditions being investigated. The statement in the report should be revised to accurately represent the subslab data and its significance or it should be removed.

j. Section 6.5 of the Report states, "Ground water samples collected off site during the ESI contained cis-1,2-DCE, TCE, arsenic, beryllium, chromium, and lead. These same contaminants have been detected in ground water samples collected from monitoring wells throughout the GM site as part of GM's annual monitoring program." This statement attempts to connect the Site and the neighborhood by inference rather than an accurate evaluation of the data. It is correct to state that cis-1,2-DCE and TCE are detected in groundwater at the Site and in the neighborhood, but the Report fails to indicate that the plumes are separate and derive from different sources. Further, metals present in groundwater samples, in the neighborhood or on-Site, are likely a result of sediment in the sample rather than metals in groundwater. These metals are naturally occurring in the soil and aquifer sediments throughout the region. When sediment is excluded from a groundwater sample, the results for monitoring wells at the Site and the surrounding area is that no hazardous metals are detected (except for hexavalent chromium in areas where the on-Site source remains). This would most likely have been the case for the neighborhood groundwater samples collected for this Report, had the samples not contained significant sediment. The EPA Region 4 SESD SOP for groundwater sampling (SESD, 2013) indicates a turbidity limit of 10 NTU for sample collection and this limit was achieved for only one of the 11 groundwater samples collected. Notably, the single sample that met the turbidity target (GM-EH-12-GW1) was below detection limits for arsenic, beryllium, chromium and lead.

k. In Section 7.1, the Report states "[a] portion of the outfall ditch (western end) also receives discharge from shallow ground water." The reference cited for the statement is from 1994 and does not reflect current conditions. In 2004, the outfall ditch was remediated, including removal of sediment, relining the ditch with a clay liner and placement of rip-rap to protect the clay liner. The clay liner isolates the ditch from the groundwater system.

l. Section 7.1 of the Report indicates the outfall ditch received TCE, 1,1,1-TCE, 1,2-DCE and other organic compounds. It further indicates the presence of these and other organic compounds in the outfall ditch sediment at various time periods (1981, 1986, and 1992). Although these historical results are correct, the Report fails to address the 2004 remediation of the ditch described above, which would indicate that these compounds would no longer be present in the ditch sediment.

m. Section 8.0 of the Report states "samples collected from these source areas contained chlorinated VOCs and metals, including hexavalent chromium. Cis-1,2-DCE and TCE were detected at concentrations exceeding their respective EPA SSLs for protection of ground water in subsurface soil samples." Without indicating what is meant by "these," the Report suggests that this was a finding for all the potential source areas, which is not the case. Most areas sampled contained none of

these compounds above EPA SSLs. The Report should clarify what areas and samples are being summarized in this section, or such unclear and unsupported statements should be removed. Further, if such samples are not reliable as explained above, such references should be removed.

n. Section 8.0 of the Report states, "Monitoring well MW-20 is located north of the equalization lagoon and adjacent to a residential neighborhood, Eastern Heights. The potential for a VI pathway to homes in the neighborhood was investigated because the ground water contamination is adjacent to and likely under Eastern Heights, just north of GM." This statement is similar to the one made in Section 2.3 (subpart II.g, above) and infers a connection between the Site plume and the neighborhood plume, which is not present. A thorough review of Site data confirms that groundwater from the Site is not a source of any groundwater contamination beneath the Eastern Heights neighborhood.

o. Section 8.0 of the Report states "Between 2013 and 2016, 27 soil gas and 23 subslab soil gas samples were collected from the Eastern Heights neighborhood. These samples contained TCE above its calculated VISL of 16 ug/m^3." By stating that "these" samples contained TCE above its calculated VISL, the Report suggests that all soil gas and subslab samples contained TCE above its VISL, which is incorrect and misleading. In fact, 72 subslab samples were collected, with only one unqualified detection of TCE (see subpart II.j). It is widely acknowledged (including by EPA) that the VI pathway in the neighborhood is incomplete and that the homes in the neighborhood are not affected by groundwater. If information regarding the VI sampling in the neighborhood is to be included in this Report, this section should be updated to accurately reflect the samples collected and the results of the testing.

p. In Appendix A, Figures 1, 2, and 3A of the Report show an "approximate site boundary" that does not reflect the correct boundaries of the Site. Grenada Manufacturing does not own any portion of the Railroad property or the parcels identified as the "Moose Lodge Road Landfill" depicted on these figures. In addition, there is no "Moose Lodge Road Landfill" as indicated on the figures. If the Report intends for the "Moose Lodge Road Landfill" to be the representative of the former Buffing Compound Disposal Area that was removed via remedial action in 2006, it should be labeled as such and depicted with the appropriate boundaries.

q. Section 1.3 of the Quality Assurance Project Plan (QAPP) for the second event (Tetra Tech, 2016), incorrectly states "the direction of groundwater flow is inconclusive." In fact, the direction of groundwater flow has been well established and documented by dozens of water level monitoring events and potentiometric maps from 1993 to the present.

SECTION III – Missing Information

The following information was missing from the Report and is usually included as part of an SI in order to be able to support the SI's findings and conclusions. Thus, the information below is needed to complete T&M's review:

a. Each of the referenced Science and Ecosystem Support Division (SESD) procedures in Section 3.1 states that chain-of-custody (COC) procedures will be used during sample collection, staging and transport. However, the COC forms were not included with the Report. Please provide the COC forms for all data packages.

b. The Report does not provide the installation methodology and construction details for soil gas probes. Sampling data sheets are provided for some but not for all the soil gas samples collected. Please provide this information. Results of the helium leak testing suggest that construction methods were inadequate to fully seal the sample port from the surface leakage. A review of the installation methods is needed.

c. Sample Collection Forms presented in Appendix C omit water quality measurements documenting purging and/or characteristics of the water sampled, as well as well total depth, screen interval, depth to water, water column, and well diameter for the following samples: GM-EH-05-GW, GM-EH-06-GW, GM-EH-07-GW, GM-EH-08-GW, GM-EH-09-GW, GM-EH-10-GW, GM-EH-11-GW, GM-EH-12-GW1, GM-EH-12-GW2, GM-EH-13-GW1, and GM-EH-13-GW2. Please provide this information.

d. Boring/well construction logs are not included for EH-12 and EH-13. Please provide these.

e. Data corresponding to borings GM-EH-01-SB1 and GM-EH-01-SB2 are not presented in Table 6 or Appendix E. Please provide data obtained for these borings.

f. The Report provides background soil concentrations for arsenic for Mississippi and northern Mississippi of 5.73 and 6.775 mg/kg and references a "Project Note to File with Attachment." This procedure for obtaining a background concentration for arsenic may be appropriate, although the referenced material was not included with the Report. Please provide the referenced material.

SECTION IV – Data Quality

The following data QA/QC concerns are noted for this ESI.

a. Inadequate purging and stabilization, as required by EPA Region 4 SESD's Operating Procedure for *Ground Water Sampling*, March 6, 2013, is documented on the Monitoring Well/Groundwater Sampling Sheets (Appendix C) for the following ten (10) samples: EH05GW (turbidity at 700 NTU), GM-EH-06-GW (pH not stable and turbidity at 660 NTU), GM-EH-7-GW (pH not stable and turbidity at 370 NTU), GM-EH-8-GW (turbidity at 240 NTU), GM-EH-09-GW (pH not stable and turbidity at 97.6 NTU), GM-EH-10-GW (pH not stable and turbidity at 211 NTU), GM-EH-11-GW and GM-EH-11-GW-DUP (pH not stable and turbidity at 1,000 NTU), GM-EH-12-GW2 (turbidity at 1,250 NTU), GM-EH-13-GW1 (pH not stable and turbidity at 100 NTU), and GM-EH-13-GW2 (turbidity at 844 NTU). Only one of the groundwater samples collected for this ESI, GM-EH-12-GW1, met the stabilization and turbidity criteria. The remaining samples are not reliable, and should not be used for support of this ESI or HRS scoring.

b. Helium was used to test the integrity of the soil gas implants. Detection of helium during a leak test indicates the lack of a complete seal and the potential for cross contamination. The following samples had helium detections during integrity testing of soil gas implants: GM-SG-01 (75 ppm),

GM-SG-05 (150 ppm), GM-SG-07 (250 ppm), and GM-SG-08 (1,100 ppm). The soil gas sampling results from these probes should not be used or should be used with appropriate caution regarding potential bias of the analytical results.

c. Water quality parameters (e.g., temperature, pH, specific conductance, dissolved oxygen, turbidity, etc.) were not measured during the performance of surface water sampling. While it is good practice to obtain these field parameters with the collection of any water sample, it is particularly important that the turbidity of the surface water samples be known and recorded when the samples are analyzed for total metals. Without such measurements, it is not possible to determine if the metals are dissolved in the water or just carried with suspended solids from soil erosion (as is likely the case with these samples).

d. Sample preservation by cooling or freezing is required by the QAPP (Tetra Tech, 2016) for the following methods: Soil and sediment TCL VOCs by analytical method SOM01.2, Soil and sediment TAL metals by analytical method ISM01.2, Soil and sediment hexavalent chromium by analytical method SM 3500 Cr B, Aqueous trace TCL VOCs by analytical method SOM02.1, Aqueous TAL metals + mercury by analytical method ISM01.2, and Aqueous hexavalent chromium by analytical method SM 3500 Cr B. All positive results for samples C162004-11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 55, 56, 57, 58, and 59 were qualified 'J' (H-4) while non-detect results were qualified 'UJ (H-4)' due to temperature and hold-time issues. The following soil samples were received by the laboratory as unfrozen or warmer than specified requirements, resulting in the samples exceeding the maximum hold time: GM-EH-01-SB1, GM-EH-01-SB2, GM-EH-02-SB1, GM-EH-02-SB1, GM-EH-04-SF, GM-EH-05-SB1, GM-EH-01-SB2, GM-EH-07-SB, GM-EH-08-SB, GM-EH-09-SB, GM-EH-10-SB, GM-EH-04-SD, GM-EH-04-SD-DUP, GM-EH-15-SD, GM-EH-16-SD, GM-EH-17-SD, GM-GF-01A, GM-GF-01B, and GM-WT-07. In most cases, the data were J or UJ qualified.

e. Laboratory hold time is the maximum amount of time allowed between sample collection and laboratory analysis. Hold time was exceeded for volatile organic compound analysis with the following 38 samples: GM-DA-01, GM-DA-02, GM-DA-03, GM-DA-04, GM-DA-05, GM-DA-06, GM-DA-07, GM-DA-08, GM-DA-09, GM-DA-10A, GM-DA-10A-DUP, GM-DA-10B, GM-DA-11A, GM-DA-11B, GM-DD-03, GM-DD-03-DUP, GM-DD-04, GM-DD-05, GM-EQ-01, GM-EQ-02, GM-EQ-03, GM-EQ-04, GM-RC-01, GM-RC-02, GM-RC-03, GM-RC-04, GM-RC-04-DUP, GM-RC-05, GM-RC-06, GM-RC-07, GM-RC-08, GM-RC-09, GM-RC-10, GM-WTP-01A, GM-WTP-01B, GM-WTP-02A, GM-WTP-02B, and, GM-WTP-03. Hold time was exceeded for cyanide analysis with the following 10 samples: GM-EQ-2, GM-EQ-3, GM-OD-01-SD, GM-OD-03-SD, GM-RC-01, GM-RC-05, GM-RC-06, GM-WT-01, GM-WT-05, and GM-WT-03. Hold time was exceeded for mercury reanalysis in the following samples: GM-EH-14-SD, GM-EH-14-SD-DUP, GM-EH-15-SD, GM-EH-16-SD, GM-EH-17-SD, GM-GF-01A, GM-GF-01B, and GM-WT-07. In most cases, the data were J or UJ qualified.

f. A single equipment blank was collected during each mobilization to the Site. GM-EB-01 was collected during Event 1 and was found to contain methylene chloride, calcium and zinc. GM-EB-02 was collected during Event 2 and contained acetone. All sampling equipment used for Event 1 was decontaminated prior to arrival and used only once at the site. The objective of collecting an equipment blank is to demonstrate that the equipment used for sampling was free of contamination that could be transferred to the sample. Because the equipment blanks were found to be contaminated and only one equipment blank was collected for each mobilization, it should be assumed that all the equipment brought onsite for sampling was similarly contaminated at least for the parameters identified in the blanks. The data for Event 1 should be appropriately qualified for

methylene chloride, calcium, and zinc. If similar off-site decontamination procedures were used for Event 2 or if the equipment blank is representative of on-site decontamination procedures, the effected samples for Event 2 should be similarly qualified for acetone. Rather than qualify all samples that used equipment decontaminated prior to mobilization, only select samples from each event were qualified in the Report without providing justification.

SECTION V - References

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Tetra Tech. April 28, 2017. *Final Expanded Site Inspection Report, Revision 1, Grenada Manufacturing ESI, Grenada, Grenada County, Mississippi, EPA Identification No. MSD007037278, EPA Contract No. EP-S4-14-03, TDD no. TT-05-020.*

USGS, 2013. Smith, D.B., Cannon, W.F., Woodruff, L.G., Solano, Federico, Kilburn, J.E., and Fey, D.L., 2013, Geochemical and Mineralogical data for soils of the conterminous United States: U.S. Geological Survey Data Series 801, 19 p., https://pubs.usgs.gov/ds/801/.

Table 1. Results for Hexavalent Chromium

Sample ID	Matrix	Collection Date	Hexavalent Chromium, mg/kg	
			Tetra Tech	T&M Associates
GM-DA-04	Wetland Soil	4/11/2016	6.9	1.4 UJ
GM-DA-05	Wetland Soil	4/11/2016	6.6	1.5 UJ
GM-DA-06	Wetland Soil	4/12/2016	7.3	1.6 U
GM-DA-10A	Soil	4/12/2016	28	2.1
GM-DA-10A-DUP	Soil	4/12/2016	28	3.3
GM-WTP-01A	Soil	4/12/2016	6.7	1.3
GM-WTP-01B	Soil	4/12/2016	4.8 U	1.6

J = Sample result was estimated

U = Result below reporting limit

Table 2. Upper and Lower Aquifer Water Level Comparison

	Upper Aquifer		Lower Aquifer		Upward Head	
Date	Well ID	Groundwater Elevation (ft amsl)	Well ID	Groundwater Elevation (ft amsl)	Head Difference (ft)	Flow Direction
12/19/1991	MW-12	172.44	MW-9	176.61	4.16	up
1/22/1993	MW-12	171.95	MW-9	177.89	5.93	up
2/24/1993	MW-12	172.25	MW-9	177.97	5.71	up
5/25/1993	MW-12	173.03	MW-9	178.62	5.58	up
7/13/1993	MW-12	171.91	MW-9	174.69	2.77	up
11/30/1993	MW-12	170.29	MW-9	177.61	7.31	up
11/12/2003	MW-12	171.49	MW-9	178.50	7.00	up
3/20/2006	MW-12	173.24	MW-9	179.31	6.06	up
4/25/2008	MW-12	172.08	MW-9	180.20	8.11	up
4/6/2010	MW-12	173.99	MW-9	181.35	7.35	up
10/12/2010	MW-12	170.31	MW-9	178.70	8.38	up
5/9/2011	MW-12	171.80	MW-9	179.59	7.78	up
10/18/2011	MW-12	169.67	MW-9	178.88	9.20	up
4/30/2011	MW-12	171.68	MW-9	179.35	7.66	up
11/3/2013	MW-12	170.66	MW-9	178.44	7.77	up
2/25/2014	MW-12	172.07	MW-9	178.44	6.36	up
5/13/2014	MW-12	172.42	MW-9	179.58	7.15	up
11/5/2014	MW-12	171.46	MW-9	179.43	7.96	up
5/19/2015	MW-12	173.56	MW-9	180.70	7.13	up
7/13/2015	MW-12	172.83	MW-9	175.00	2.16	up
11/6/2015	MW-12	169.90	MW-9	176.11	6.20	up
5/6/2016	MW-12	172.57	MW-9	180.80	8.22	up
8/23/2016	MW-12	170.29	MW-9	177.90	7.60	up
10/26/2016	MW-12	169.35	MW-9	177.90	8.54	up
2/7/2017	MW-12	170.16	MW-9	174.01	3.84	up
5/9/2017	MW-12	170.90	MW-9	178.99	8.08	up
Average		171.63		178.33	6.70	up

Table 3. Historical Summary of Chlorinated Ethene Concentrations - MW-20

Well Name	Sample Date	Trichloroethene	cis-1,2-Dichloro-ethene*	Vinyl Chloride
MW-20	Jan. '93	0.018	U	U
MW-20	Feb. '93	0.024	0.0009 J	U
MW-20	Nov. '03	0.066	0.079	0.00051 J
MW-20	Mar. '06	0.034	0.033	0.002 U
MW-20	Apr. '08	0.037	0.036	0.002 U
MW-20	Oct. '11	0.086	0.088	0.001 U
MW-20	May. '12	0.430 D	0.440 D	0.022 UD
MW-20	May. '14	0.370 D	0.390 D	0.017 UD
MW-20	May. '16	0.300	0.220	0.001 U

J = Sample result was estimated

U = Result below reporting limit

D = Sample diluted for analysis

E = Exceeds the highest concentration level on the standard curve

*Cis-1,2-Dichloroethene (cDCE) values for the 1991 and 1993 sampling events were inferred from the total 1,2 DCE results reported by the laboratory, given that the laboratory did not report cDCE separately.

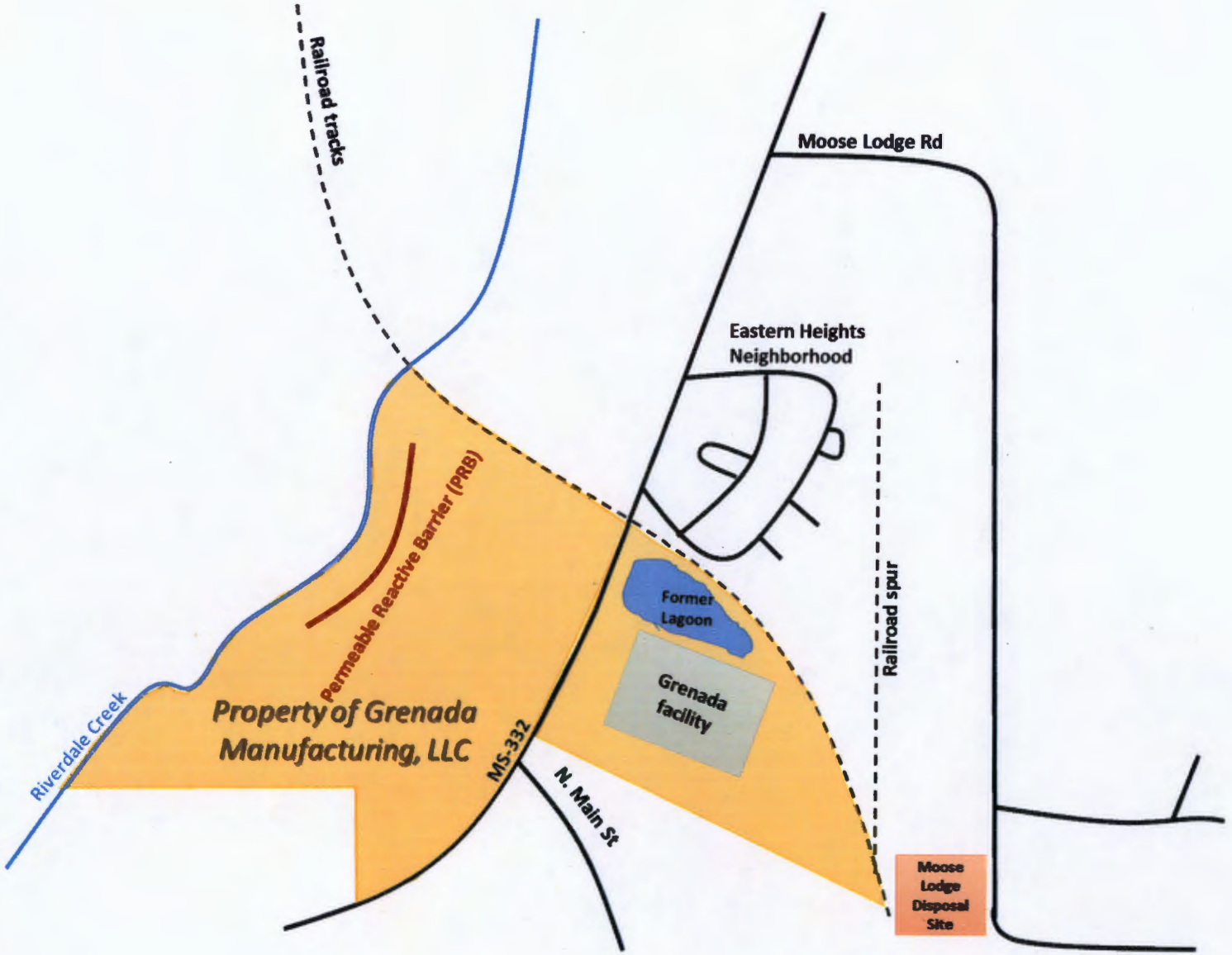
NK1
VJ1


Riverdale Creek
Eastern Heights
Neighborhood
Quarry Rd
Grenada Manufacturing, LLC
Moose
Lodge Rd
MDEQ
Study Area
Forested Wetlands

Slide 1

NK1 instead of this figure use Figre 1 from Factsheet #5
Newman, Keriema, 9/6/2016

VJ1 Done - inserted
Verduin, Jeanette, 9/6/2016


Railroad tracks
Moose Lodge Rd
Eastern Heights
Neighborhood
Permeable Reactive Barrier (PRB)
Former
Lagoon
Railroad spur
Grenada
facility
Riverdale Creek
Property of Grenada
Manufacturing, LLC
MS-332
N. Main St
Moose
Lodge
Disposal
Site

7/7/2017

Grenada/Rockwell, technical call, 10am

Rob U., John Ellis (Arcadis), Dave?

Willie McKercher, MDEQ

Ben Bentkowski, Brian Bastek, Meredith Anderson, Glenn Adams

Brian Bastek lead the meeting:

Ambient and indoor air monitoring plans, submitted on June 27, EPA comments. Plan not finalized yet.

Ambient air monitoring plan:

- EPA wants two more monitoring points. GM proposed 8 locations
- Frequency of monitoring. GM proposal focused on fenceline to fenceline, rather than looking for source.
- Glenn – to clarify. EPA requested two more locations closer to the residences where we have previous hits. Can move other locations if the total number of locations is limited. Glenn – need monitor in neighborhood to determine if there are unacceptable locations leaving the fence. Need to know if concentrations are present near people. Two previous September sampling events were elevated. 7 day sampling would be ideal. Looking to see if people are protected, looking from a risk assessment perspective. Samples along the residential area could be 7 day. Need something closer to 1 day sampling, but longer than 1 day. Not helpful to just look at 1 day.
- GM resisting Glenn's request. GM wants to look at 28 day sampling.
- Consensus: 8 locations (may move some around); 28-day sampling for 4 months; 7 day sample in September. Adding 7-day samplers in the month of September, in 2 locations near residences. Will adjust locations from work plan.
- Action levels in air. EPA doesn't have action levels for ambient air. Use indoor air numbers for comparison. Indoor action levels for TCE, 2 ug/m3 for sensitive subpopulations and 6 ug/m3 for general population.
- Brian wants a revised figure for the work plan. Will approve with comments by end of day on Monday, via email. Will deploy next week. Meredith suggested that we produce a final, approved work plan so it can be posted on the website.
- Indoor air monitoring inside facility. EPA ok with plan as written, but wants to re-evaluate plan at 60-day mark based on data collected. EPA wants 7 day samples at two locations, for one 7-day sample per month.
    - GM states: know there is a problem, wants to move to mitigation. Not a single event that is acceptable; don't expect that to change. GM doesn't think

additional indoor air sampling is needed as it won't drive a different decision (i.e. mitigation is already known to be necessary).

- EPA – some things have changed in the last few months. And weather has changed (higher temp now). Our hope is that we can show that the temp venting, etc., has worked, and that the mitigation system works. We have two sets of data (8 hr and 7 day) with bad results, and plan is to discontinue them, looks like selectively not sampling the time frames that gave the worst results.
- GM – all know that mitigation is needed.
- EPA would like to add 7 day samples at 2 locations at the locations that historically have the highest hits. EPA wants 7 day before mitigation and 7 day after mitigation system.
- Consensus: 24 hr and 28 day sampling before mitigation system is installed. Can start end of July, 2 week install. System could be up and running Aug 7. Add two locations, 7 day passive samplers, one before pilot study, one after pilot study.

9/7/2017

MDEQ (Willie McKertcher, Gretchen....)

Heidi

Ben Bentkowski, Glenn Adams, Brian Bastek, Stephen Smith, Kevin Koporec, Mike Norman, Leanne Bing (ATSDR), Brian Holtzclaw

Jimmy Palmer

1. PRB update: EPA approved workplan to expand system. One-month time frame. Scheduled to go as planned.
2. AOC A: technical team are ready to talk about remedial options
3. Triangle property assessment done – data submitted to Equis? Report November 30.
4. Have heartburn with the ESI. Will be submitting comments on the ESI.
5. Mitigation system: analyzing data to determine if a permit is needed.
6. Indoor air monitoring and ambient air monitoring. EPA has validated data from before pilot study. Subslab depressurization system running – 24 hour samples are being analyzed. 7 day data being collected.
7. Will shut down system on Monday. Will conduct post system operation sampling.
8. Source investigation report. Additional delineation in certain targeted areas is proposed. Will submit workplan after EPA approves the report. Will finalize report and submit work plan for additional work.
9. Public communications. Disappointed/frustrated that EPA issued a fact sheet without the last round of data. Mike Norman – EPA plans to encourage people to go to the website to see data, rather than put out data in factsheets.

C.Amoroso 09/07/2017

STATE OF MISSISSIPPI

PHIL BRYANT

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

GARY C. RIKARD, EXECUTIVE DIRECTOR

February 27, 2017

V. Anne Heard
Acting Regional Administrator
U.S. Environmental Protection Agency
Region IV
61 Forsyth Street
Atlanta, Georgia 30303-3104

Re: Grenada Manufacturing, LLC
Grenada, Grenada County, MS

Dear Ms. Heard:

The U. S. Environmental Protection Agency (EPA) requested written support for EPA to proceed with the National Priorities List (NPL) listing process for the Grenada Manufacturing, LLC site.

I have reviewed the matter and concur with EPA's decision to proceed with the listing process with the understanding that no commitment of financial resources is being made on the part of the State of Mississippi regarding costs associated with a cleanup at the Grenada Manufacturing, LLC site at this time. The State looks forward to working with EPA in this matter to ensure protection of human health and the environment.

Should you need anything further from the State on this matter, please feel free to contact me at 601-961-5117.

Very truly yours,

Lynn Chambers

Lynn Chambers, P.E., BCEE
Chief, Groundwater Assessment & Remediation Division

cc: Gary C. Rikard, MDEQ Executive Director

U.S. Environmental Protection Agency

Pilot Study at Grenada Stamping - Information for Workers and Community

Fact Sheet #11 **July 2017**

Introduction

EPA directed Grenada Manufacturing, LLC (Facility) to install a long-term treatment system to further reduce levels of trichloroethene (TCE) inside the manufacturing building (commonly known as Grenada Stamping and currently operated by Ice Industries). TCE contamination is believed to be present beneath the Facility as a result of spills from prior operations. Sampling since October 2016 shows TCE vapors from beneath the slab are rising into the building and may pose a risk to workers.

The new treatment system will replace intermediate measures taken since January 2017 to increase ventilation. These have decreased TCE concentrations within the building. The new treatment system is a more reliable, long-term method to ensure TCE concentrations remain at acceptable levels.

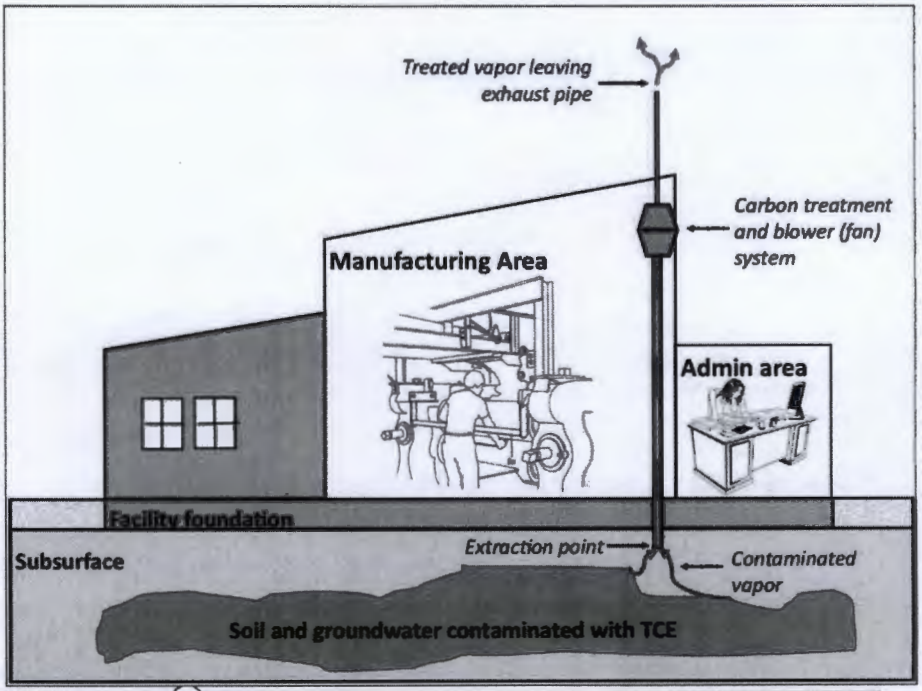
A pilot study of the proposed treatment system is scheduled to begin during July 2017. This study will be used to optimize the treatment system to reduce the TCE concentrations in indoor air while limiting the pollutants discharged to outdoor air. Potential emissions will be estimated to determine whether a State air permit is required. As part of the study, data will be collected to evaluate possible impacts on outdoor air quality.

More information about EPA's ongoing work to oversee the cleanup of the site is posted at: www.epa.gov/grenadacleanup.

How does treatment work?

The Facility plans to use a vapor intrusion treatment system called "sub-slab depressurization" (SSD).

SSD works to remove vapors from beneath the building through extraction points which connect to an electric fan (see figure). The extracted vapors will be treated by activated carbon units that capture pollutants. Treated emissions will be discharged through a stack and vented outdoors. The stack's height will be 20 feet above the building. The stack's location will be more than 150 feet from the nearest residential or recreational area, in accordance with Mississippi law.

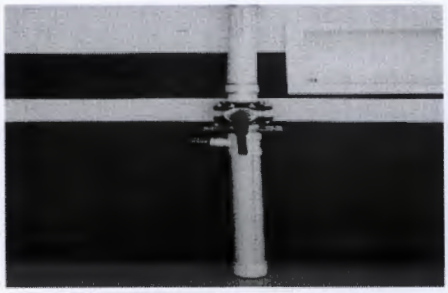


Pilot study and air permitting

The Facility will conduct a pilot study of the treatment system beginning July 2017. EPA and the Mississippi Department of Environmental Quality (MDEQ) will provide oversight. The system will run for a period of up to 30-days. Extensive monitoring will be conducted to assess the impact on indoor air quality, optimize system operation, monitor treatment system performance and collect treated emissions data.

A permit is required if the source has the potential to emit more than 10 tons per year of an individual hazardous air pollutant (HAP) or 25 tons per year of total HAPs. TCE and other chemical vapors expected to be removed and discharged by the system are HAPs. During the pilot study, all emissions from the extracted vapors will be treated by activated carbon units that capture pollutants.

If monitoring during the pilot indicates that emissions have the potential to exceed thresholds, the study will cease and the Facility will be required to submit a permit application to MDEQ. Intermediate ventilation measures will resume to manage TCE concentrations inside the Facility during the processing of the permit application. The air permit will be drafted by MDEQ and made available for public comment before being issued.



The treatment system uses extraction points drilled through the building's foundation to remove chemicol vapors

Is it safe?

Vapor treatment systems are safe to use and improve the quality of the indoor air by removing chemical vapors. SSD has proven to be the most effective solution for removing chemical vapors in large industrial settings.

The system will be regularly inspected to ensure it is working properly. The treatment system will remain in place over the long-term until the contamination beneath the slab is remediated. Indoor and outdoor air monitoring will continue at the Facility to ensure TCE levels remain within acceptable levels.

CONTACTS

EPA Community Engagement Coordinator
Brian Holtzclaw
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holtzclaw.brian@epa.gov

EPA Outreach Coordinator
Keriema Newman
404-562-8859 or 404-304-2490
newman.keriema@epa.gov

EPA Technical Project Manager
Brian Bastek
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bastek.brian@epa.gov

FOR MORE INFORMATION

Website
www.epa.gov/grenadacleanup

Information Repository
Elizabeth Jones Library
1050 Fairfield Avenue
Grenada, MS 38902

U.S. Environmental Protection Agency

Air Treatment at Grenada Stamping - Information for Workers

Fact Sheet #13 January 2018

Introduction

On December 29, 2017, a treatment system intended to reduce elevated levels of trichloroethene (TCE) inside the manufacturing building at the Grenada Stamping facility (Facility) was restarted under an EPA removal action. Removal actions are short-term responses under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) intended to protect people from risks or potential risks associated with contaminated sites. The treatment system will operate with EPA oversight and monitoring.

TCE contamination is present beneath the Facility as a result of spills from prior operations. Sampling indicates TCE vapors from beneath the concrete floor are rising into the building and there could be a risk to workers. The new treatment system will replace interim measures taken since January 2017 to increase ventilation. These have decreased TCE concentrations within the building. The new treatment system is a more reliable, long-term method to ensure TCE concentrations remain at acceptable levels.

More information about EPA's ongoing work to oversee the cleanup of the site is posted at: www.epa.gov/grenadacleanup.

Pilot Study and Air Permitting

EPA previously directed the Facility to install the treatment system, known as a sub-slab depressurization system or "SSDS" (refer to Fact Sheet #11 for more detail). The Facility's contractor installed and operated the SSDS from August 12 to September 11, 2017, as a pilot study. Air sampling results before and after the pilot (summarized on page 2) showed the treatment system was effective at reducing TCE concentrations inside the building.

As part of the pilot, potential annual emissions of hazardous air pollutants were estimated. Because the treatment system will operate under EPA's CERCLA authority, a state air permit is not required, however, the Facility will be required to meet the substantive requirements of such a permit. These include air sampling at multiple points of the air treatment system to verify effectiveness of the system and ensure emission standards are met.

Summer/Fall 2017 Air Sampling Results

EPA directed the Facility to perform multiple rounds of air sampling in and around the manufacturing building beginning in October 2016. The results of the most recent air sampling conducted from June to October 2017 are summarized below. Detailed results from all sampling performed to date are posted online.

Summer/Fall 2017 Air Sampling Results (continued)

Indoor Air Results

Indoor air samples were collected from six locations inside the manufacturing building using traditional Summa canisters and Radiello® samplers that slowly draw air over a specified duration (24-hours, 7-days or 28-days). This yielded 55 samples (summarized in Table 1). Some results before the treatment system was turned on exceeded the removal management levels (RMLs) for sensitive and non-sensitive populations. RMLs are used by EPA to help determine if any future actions may be needed. A sample result higher than a RML by itself does not imply that adverse health effects will occur.

Outdoor Air Results

Air samples were collected using Radiello® samplers from outside of the manufacturing building over several durations (24-hours, 7-days or 28 days). TCE was detected in all 7 samples at very low levels below the indoor RML (there is no RML for outdoor air).

Table 1: Summary of TCE Concentrations in Indoor Air inside of Manufacturing Building

Sample Duration	Sampling Date	Removal Management Levels (RMLs)*	Range of Concentrations Detected
24 hour	**6/28/2017**	**8.8/26**	6.2-28
7 day	**7/13 - 7/20/2017**	**8.8/26**	6.1-11
28 day	**7/13 - 8/10/2017**	**8.8/26**	6.6-26
28 day	**8/13 - 9/11/2017**	**8.8/26**	0.93-6.4
24 hour	**8/31/2017**	**8.8/26**	<0.98-5.2
7 day	**8/31 - 9/7/2017**	**8.8/26**	1.7-2.4
24 hour	**9/27/2017**	**8.8/26**	3.1-7.8
28 day	**9/11 - 10/9/2017**	**8.8/26**	2.0-7.6

Concentrations reported in micrograms per cubic meter **ug/m3**

*The Removal Management Level (RML) for sensitive Populations, which includes women of childbearing age, is 8.8 µg/m³. The RML for non-sensitive populations is 26.0 µg/m³.

Actions Being Taken

An On-Scene Coordinator (OSC) was assigned to conduct a Removal Site Evaluation (RSE). The RSE consisted of a review of recent facility indoor air monitoring sample results and current status of the treatment system. The OSC determined that site conditions met the criteria for conducting a removal action. The OSC conducted a site visit on January 3, 2018, and verified the treatment system is operational. EPA will require the Facility to submit a sampling plan for the system itself in order to ensure the system is performing properly and that workers and the surrounding community are protected while the system operates. EPA continues to work with the MDEQ and the Facility to identify long-term measures to reduce and eventually eliminate the source of TCE contamination beneath the Facility.

CONTACTS

EPA Community Involvement Coordinator
Abena Ajanaku
404-562-8834
ajanaku.abena@epa.gov

EPA On-Scene Coordinator
Steve Spurlin
731-394-8996
spurlin.steve@epa.gov

FOR MORE INFORMATION

Website
www.epa.gov/grenadacleanup

Information Repository
Elizabeth Jones Library
1050 Fairfield Avenue
Grenada, MS 38902

U.S. Environmental Protection Agency

Rockwell International Wheel & Trim Grenada, Mississippi

Superfund Fact Sheet 1 **January 2018**

Public Meeting

Tuesday, February 6, 2018

6:00 p.m. to 8:00 p.m.

Lewis Johnson Senior Citizen Complex

299 Dr. Martin Luther King Jr. Blvd

Grenada, MS

Introduction

In consultation with the Mississippi Department of Environmental Quality (MDEQ), the U.S. Environmental Protection Agency proposed the Rockwell International Wheel & Trim site ("Rockwell Grenada," also commonly known as Grenada Manufacturing LLC) in Grenada, Mississippi, to the Superfund program National Priorities List (NPL). EPA will hold a public meeting to present an overview of the Superfund cleanup program and answer questions on Tuesday, February 6, 2018, from 6 to 8 p.m. in Grenada. Representatives from MDEQ will participate. EPA is also soliciting public comments on the proposed listing for 60 days ending on March 19, 2018.

This fact sheet provides an overview of the Superfund process, how to submit public comments, a site description, history and current/future activities.

Proposal to the Superfund National Priorities List

Superfund, as established by Congress in 1980, investigates and cleans up hazardous waste sites. EPA adds sites to the NPL when contamination threatens human health and the environment. EPA deletes sites once all response actions are complete and all cleanup goals have been achieved. EPA typically initiates Superfund involvement because states, tribes or citizens ask for the Agency's help. The Agency may also find contamination during its own investigations.

EPA has been overseeing the cleanup of the Rockwell Grenada site under the Resource Conservation and Recovery Act (RCRA) program. EPA's priority is a comprehensive approach that addresses all contamination related to the former chrome plating operation at the facility and in the surrounding community. Adding the site to the NPL will allow EPA to conduct a comprehensive assessment of all the risks to public health and the environment, and take the necessary cleanup actions. Only sites added to the NPL are eligible to receive federal funding for long-term cleanup.

Public Comment

Information that EPA used to support the NPL proposal is available for public review and comment. EPA will consider public comments before making a final decision about adding the site to the NPL. Materials compiled by the EPA to propose the Rockwell Grenada site to the NPL can be obtained in several ways:

1. Online at www.regulations.gov. In the search bar, type in the docket number for the Rockwell Grenada site: EPA-HQ-OLEM-2017-0608.

We want to hear from you!

The public comment period for the proposed NPL listing is **January 18 to March 19, 2018.**

Follow the instruction on p. 2 to submit your comments.

Public Comment (continued)

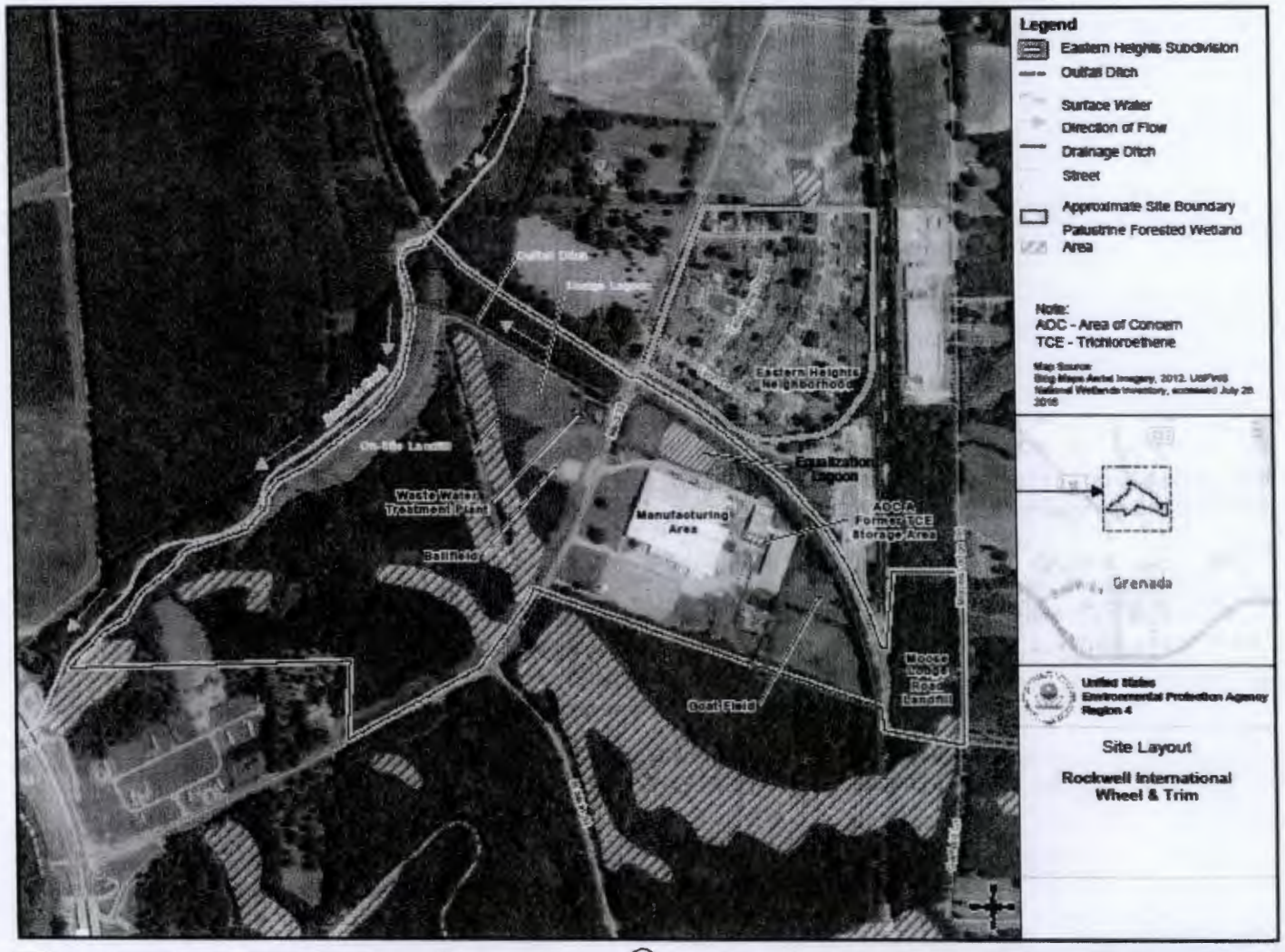
2. Contact EPA Region 4's NPL Coordinator, Cathy Amoroso (contact information below), to have an electronic copy mailed to you. You may also call Cathy Amoroso to make an appointment to view electronic copies at the EPA Regional Library in Atlanta (address below).

3. Visit the local information repository to view the materials in person. The information repository is located at the Elizabeth Jones Library, 1050 Fairfield Avenue in Grenada.

The public has 60 days to comment on the proposed listing of the Rockwell Grenada site to the NPL. Submit your comments from January 18 to March 19, 2018, at www.regulations.gov. Follow the online instructions for submitting comments. All comments MUST include the docket number EPA-HQ-OLEM-2017-0608. Comments can also be mailed to: U.S. Environmental Protection Agency; EPA Superfund Docket Center; Mail Code 28221T; 1200 Pennsylvania Avenue, NW; Washington, DC 20460.

Site Location and Description

The Rockwell Grenada site is located in Grenada, Grenada County, Mississippi. The site includes the 40-acre main facility located at 635 Highway 332, former waste disposal areas west of Highway 332 (between Highway 332 and Riverdale Creek), the approximately 4-acre Rockwell International Moose Lodge Road Disposal Site located directly east of the main facility, and any other areas where site-related contaminants have migrated or come to be located. Rockwell Grenada is bordered to the north by a rail road track and the Eastern Heights neighborhood beyond; to the south by forest wetlands; and to the west by Riverdale Creek.



Site History

Rockwell International, followed by Textron Automotive and later by Grenada Manufacturing, operated a wheel cover manufacturing and chrome plating facility on the property from 1966 to the early 2000s. In 2005, portions of the plant were leased to Ice Industries, which converted the facility to a metal stamping plant known as Grenada Stamping that continues to operate today.

Past operations, spills, and waste handling practices resulted in groundwater, surface water and soil contamination. The solvent trichloroethene (TCE) and related contaminants have been found in the air inside the manufacturing building, groundwater, former disposal areas associated with the facility, nearby wetlands and Riverdale Creek.

Current and Future Activities

On December 29, 2017, a treatment system intended to reduce elevated levels of TCE inside the manufacturing building at the Grenada Stamping facility was restarted under an EPA removal action. Removal actions are short-term responses intended to protect people from risks or potential risks associated with contaminated sites. People who work inside the manufacturing facility have been notified about the air contamination and the steps being taken to remove contaminants.

The treatment system will operate with EPA oversight and monitoring. EPA will require the Facility to submit a sampling plan for the system in order to ensure the system is performing properly and that workers and the surrounding community are protected while the system operates. EPA continues to work with the MDEQ and the Facility to identify long-term measures to reduce and eventually eliminate the source of TCE contamination beneath the Facility.

CONTACTS

EPA Community Involvement Coordinator
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ajanaku.abena@epa.gov

EPA Remedial Project Manager
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EPA National Priorities List Coordinator
Cathy Amoroso
404-562-8637
amoroso.cathy@epa.gov

FOR MORE INFORMATION

Websites
https://www.epa.gov/superfund/rockwell-intl-wheel
www.epa.gov/grenadacleanup

Information Repositories
Elizabeth Jones Library
1050 Fairfield Avenue
Grenada, MS 38902

Records Center, U. S. EPA
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, Georgia 30303

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Classified Representative

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010 Announcements

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Local Insurance Agency looking for friendly, self-motivated Customer Service Representative. Please send resumes to P.O. Box 2343 Grenada, MS 38902

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617 Houses for Rent

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662 Property

FOR SALE: 15 acres on Horse Pen Rd. Gore Springs, MS. 662-983-3225

SMALL ACREAGE for sale. Call 662-392-5857

805 Abandoned Vehicles

TO: Larry Whitten
31 Rosebloom Road
Grenada, MS 38901
Abandoned motor vehicle sold in accordance with Sections 63-23-1 through 63-21-11, Mississippi Code of 1972. The described vehicle is a 1997 Nissan Pickup, silver in color, VIN# 1N6SD16S3VC417076. This vehicle was abandoned at Evans Towing & Recovery, located at 935 Lakeview Dr, Grenada, MS 38901 on November 19, 2017.
The above vehicle will be sold to the highest bidder on Monday, January 29, 2017 at 9:00 o'clock a.m. at Evans Towing & Recovery, located at 935 Lakeview Dr, Grenada, MS 38901 or claimed by owner for storage & wrecker service and repairs.
Publish: 1/9, 1/16, 1/23

TO: Roy Palmertree
2867 CR 126
Carrollton, MS 38917
Abandoned motor vehicle sold in accordance with Sections 63-23-1 through 63-21-11, Mississippi Code of 1972. The described vehicle is a 1994 GMC Pickup, blue in color, VIN# 1GTDC14Z7RZ564583. This vehicle was abandoned at Evans Towing & Recovery, located at 935 Lakeview Dr, Grenada, MS 38901 on October 30, 2017.
The above vehicle will be sold to the highest bidder on Monday, January 29, 2017 at 9:00 o'clock a.m. at Evans Towing & Recovery, located at 935 Lakeview Dr, Grenada, MS 38901 or claimed by owner for storage & wrecker service and repairs.
Publish: 1/9, 1/16, 1/23

810 Bid Notices

PUBLIC ANNOUNCEMENT
ACCEPTING BIDS
The Grenada Youth League will be accepting bids on the following items at the next board of directors meeting to be held on February 6, 2018 at 7:00 p.m. For information concerning the bid list specifications please call Joey Allbritton at 662-458-7286 or Mart Housel at 662-312-3239. Items to bid on are grounds care, team pictures, trophies, uniforms and supplies used in the games. Sealed bids must be turned in no later than February 5, 2018 at 5:00 PM. Bids can be mailed to Grenada Youth League PO Box 826 Grenada MS 38902.

815 Foreclosures

SUBSTITUTE TRUSTEE'S SALE
WHEREAS, on December 20, 1999, Ranch Schoolhouse Child Development Center, Inc., executed a Deed of Trust to Charles Dusbedeau, Trustee for the use and benefit of Union Planters Bank, National Association, which Deed of Trust is on file and or record in the office of the Chancery Clerk of Grenada County, Mississippi, in Book # C52, at Page 724 thereof; and
WHEREAS, the legal holder of the said Deed of Trust and the note secured thereby, substituted Brittan W. Robinson, as Successor Trustee therein, as authorized by the terms thereof, in the office of the aforesaid Chancery Clerk as Substitute Trustee in Book 2017, Pages 13033-13034 thereof; and
WHEREAS, default having been made in the performance of the conditions and stipulations as set forth by said Deed of Trust, and having been requested by the legal holder of the indebtedness secured and described by said Deed of Trust so to do, notice is hereby given that, Brittan W. Robinson, Successor Trustee, by virtue of the authority conferred upon me in said Deed of Trust, will offer for sale and will sell at public sale and outcry to the highest and best bidder for cash, beginning at 11 o'clock a.m. at the east front door of the County Courthouse of Grenada County, Mississippi, on the 16th day of February, 2018, the following described land and property being the same land and property described in said Deed of Trust, situated in Grenada County, State of Mississippi, to wit:
A part of Lot Nos. 73, 74, and 87, in the original east ward survey of the City of Grenada, Mississippi, more particularly described as beginning at that point where the north line of First Street intersects the East Line of Church Street, run thence easterly along First Street 52.26 feet; thence northerly parallel with Church Street; 104.28 feet; thence easterly parallel with First Street, 82.28 feet to a ditch, thence north 22 degrees, 40 minutes east, along said ditch, 104.7 feet to an alley; thence westerly along the line of the alley and parallel with First Street, 141.55 feet to Church Street; thence southerly along Church Street 208.56 feet to the point of beginning.
Less and except that portion of said property conveyed to Sam P. Marascalco by deed executed April 18, 1960, and recorded in Book 151, Page 501, of the land deed records for Grenada County, Mississippi, being an undivided one-half (1.2) interest in and to the east wall of the building thereon.
Property address: 312 First Street, Grenada, Mississippi 38901
This sale is subject to 2016 City of Grenada taxes, and 2015 and 2016 Grenada County taxes.
This sale will extinguish the judgment lien as to the property above described filed of record in Official Record Case # T0022971 of the Public Records of Grenada County, Mississippi.
This sale is subject to any right of redemption by the Internal Revenue Service Special Procedures Staff in accordance with Section 26 U.S.C. Section 7425(d)(1) by reason of tax liens of record in the Official Record Book 2012, Page 41, Case # 695175312 of the Public Records of Grenada County, Mississippi, Official Record Book 2014, Page 67, Case # 121666514 of the Public Records of Grenada County, Mississippi, Official Record Book 2015, Page 6, Case # 137932915 of the Public Records of Grenada County, Mississippi, and Official Record Book 2016, Page 24, Case # 220042916 of the Public Records of Grenada County, Mississippi.
All right and equity of redemption, Statutory and otherwise, homestead and dower are expressly waived in said Deed of Trust, and the title is believed to be good, but Brittan W. Robinson will sell and convey only as successor trustee.
This is an attempt to collect a debt and any information obtained will be used for that purpose.
WITNESS my signature, on this the 18th day of January, 2018.
/s/ BRITTAN W. ROBINSON
SUCCESSOR TRUSTEE
Publish: 1/23, 1/30, 2/6

815 Foreclosures

827 Notices

Invitation to Comment on a Proposed Wireless Telecommunications Facility

Interested persons are invited to comment on the tower and antennae placement and related equipment shelters at the wireless telecommunications facility proposed to be constructed at: 296 Graysport Crossing, Gore Springs, Grenada County, Mississippi, N 33 45' 39.093"W 89 36' 53.913", Sec. 24-T22N-R6E, with respect to impacts on historic properties located at or near this facility, if any. The facility will consist of 199' SST. Comments regarding potential effects to historic properties should be submitted within 30 days of the date of this notice by mail to White Buffalo Environmental, Inc., 8908 S. Yale, Suite 210, Tulsa, OK 74137, or by calling (918)660-0999. Questions about this facility or this notice may also be directed to that address or phone number. This notice is provided in accordance with Section 106 of the National Historic Preservation Act.
Publish: 1/23/18

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601-981-3060

Week of January 21, 2018

Public Meeting
Tuesday, February 6, 2018, 6:00 - 8:00 p.m.
Lewis Johnson Senior Citizen Complex
299 Dr. Martin Luther King Jr. Blvd
Grenada, Mississippi 38901

The U.S. Environmental Protection Agency (EPA) Region 4 Superfund Division, in cooperation with the Mississippi Department of Environmental Quality (MDEQ) will host a **Public Meeting** on Tuesday, February 6, 2018 at the Lewis Johnson Senior Citizen Complex Club, located at 299 Dr. Martin Luther King Jr. Blvd, Grenada, Mississippi 38901. EPA is hosting this meeting to discuss and answer questions pertaining to the proposed listing of the Rockwell International Wheel & Trim Site (aka Grenada Manufacturing) on the Superfund National Priorities List. EPA Superfund representatives and MDEQ Personnel will be available to answer questions and to respond to any concerns you may have.

To obtain additional information about the Public Meeting, or if you have questions or concerns related to the site or cleanup activities, please contact:

Remedial Project Manager Shelby Johnston
(404) 562-8287 or via email at johnston.shelby@epa.gov
or
Community Involvement Coordinator Abena Ajanaku
at (404) 562-8834 or via email at ajanaku.abena@epa.gov.

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

Contact: Davina Marraccini at marraccini.davina@epa.gov or 404-562-8293

EPA Proposes Site in Grenada, Miss., to National Priorities List to Clean Up Contamination

ATLANTA (January XX, 2018) The U.S. Environmental Protection Agency (EPA) proposed the Rockwell International Wheel & Trim site in Grenada, Miss., along with nine other sites across the country to the Superfund program's National Priorities List (NPL). An additional four hazardous waste sites were formally added to the NPL.

Superfund, which Congress established in 1980, investigates and cleans up hazardous waste sites and converts them into community resources.

EPA adds sites to the NPL when contamination threatens human health and the environment. Only sites added to the NPL are eligible to receive federal funding for long-term cleanup.

EPA typically initiates Superfund involvement because states, tribes or citizens ask for the Agency's help. The Agency may also find contamination during its own investigations.

"EPA is adding these sites to the National Priorities List because we are concerned about the threat they pose to local residents," said EPA Administrator Scott Pruitt. "It is EPA's duty to the American public to clean up Superfund sites as quickly and thoroughly as possible. The sooner we do, the sooner these communities can enjoy better health and stronger local economies."

The Rockwell Grenada site includes the 40-acre facility at 635 Highway 332 (commonly called Grenada Stamping and currently operated by Ice Industries, Inc.), and other areas where site-related contaminants have migrated or were disposed. Rockwell International, followed by Textron Automotive and later by Grenada

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In May 2017, Administrator Scott Pruitt established a task force to restore EPA's Superfund program to its rightful place at the center of the Agency's core mission to protect health and the environment.

EPA Announces the Availability of the Administrative Record for the Rockwell International Wheel & Trim Site (aka: Grenada Manufacturing) Site, Grenada, Grenada County, Mississippi

The United States Environmental Protection Agency (EPA) announces that the Administrative Record for the Rockwell International Wheel & Trim Site (aka: Grenada manufacturing) Site located in Grenada, Grenada County, Mississippi, is available for public review.

The Administrative Record file includes documents that form the basis for selection of the removal action. A removal action is a short-term cleanup intended to stabilize a site that poses an imminent and substantial threat to human health or the environment. Documents in the record may include, but are not limited to, preliminary assessment and inspection report, test results, and the Action Memorandum. All interested persons are encouraged to review the documents.

The documents will be available for public review during normal business hours at the following locations:

US EPA
61 Forsyth Street, SW
Atlanta, GA 30303
Attn: Tina Terrell

Elizabeth Jones Library
1050 Fairfield Avenue
Grenada, Mississippi 38901

EPA will accept comments regarding the Administrative Record during the public comment period which will begin January XX, 2018 and ends on February XX, 2018. Comments should be addressed to Shelby Johnston, Remedial Projector Manager, US EPA Region 4 – Superfund Division 11th Floor, 61 Forsyth Street, SW, Atlanta, Georgia 30303. At the end of the 30-day comment period, a written response to all pertinent comments will be prepared in a responsiveness summary and placed in the file.

The site includes the 40-acre main facility, the former waste disposal areas (between the plant and Riverdale Creek), the approximately 4-acre (Rockwell International Moose Lodge Road Disposal Site) located directly east of the main facility. The site is bordered to the north by the Eastern Heights neighborhood; to the south by forest wetlands; and to the west by Riverdale Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 28 2017

Ms. Lynn Chambers
Division Chief
Groundwater Assessment & Remediation Division
Mississippi Dept. of Environmental Quality
P.O. Box 2261
Jackson, MS 39225

Subject: Grenada Manufacturing Site
Grenada, Grenada County, Mississippi

Dear Ms. Chambers:

The U.S. Environmental Protection Agency's Emergency Response, Removal and Prevention Branch (ERRPB) conducted a Removal Site Evaluation (RSE) at the above referenced Site for potential removal action eligibility under the *National Oil and Hazardous Substances Pollution Contingency Plan* (NCP).

Based on the information collected during the RSE, the On-Scene Coordinator (OSC) recommends this **Site be given priority** for removal eligibility contingent upon availability of approved funds under the EPA's Superfund Removal Program (see enclosed RSE memo). Concurrent with this recommendation, the EPA may also begin its enforcement activities to determine potentially responsible parties for this Site.

A decision to conduct a removal action will be documented in an Action Memorandum, and a copy will be forwarded to the State. Should the final determination be that a removal action is not warranted, you will be subsequently notified of this determination.

Should you have any questions concerning ERRPB's determination, please contact Steve Spurlin, OSC, at (731) 394-8996, or Matt Taylor, Chief of Removal Operations Section, at (404) 562-8759.

Sincerely,

Matt Taylor for

James W. Webster, Ph.D., Chief
Emergency Response, Removal and Prevention Branch

Enclosure

cc: Don Rigger
Tony Moore
James Webster
Matt Taylor
Steve Spurlin
Anita Davis
Ronald Saskowski
Tina Terrell
Subash Patel

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Grenada Manufacturing Site
Removal Site Evaluation POLREP

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region IV

Subject: POLREP
Removal Site Evaluation
Grenada Manufacturing Site
635 MS-332, Grenada, Grenada County, Mississippi

Latitude: 33.803255 North
Longitude: -89.800833West

From: Steve Spurlin, On-Scene Coordinator
Thru: Matt Taylor, Removal Operations Section
To: James W. Webster, Ph.D., ERRPB
Date: December 22, 2017
Reporting Period: 12/19/2017 – 12/22/2017

1. Introduction

Site Number: B48C
Response Authority: CERCLA
Response Type: Time-Critical
Response Lead: EPA
Incident Category: Removal Assessment
NPL Status: Non NPL

1.1 Site Description

Rockwell International Wheel & Trim, followed by Textron Automotive Company and Grenada Manufacturing, operated a wheel cover manufacturing and chrome plating facility on the property from 1966 to the early 2000s. While ceasing chrome plating operations in the early 2000s, Grenada Manufacturing continued manufacturing wheel covers until 2008. In 2008 portions of the plant property were leased to ICE Industries, Inc. (ICE). ICE has converted the facility to a stamping plant, which manufactures stamp-formed parts for various industries. Historically, waste generated during wheel cover manufacturing and chrome plating operations included chrome plating sludge, solvent still bottoms, buffing compound, paint sludge, waste oil, corrosive alkaline wash waters, metal shavings and other wastes. Spills of trichloroethene and toluene from above-ground tanks are documented.

The solvent trichloroethene (TCE) has been found in: the air inside the manufacturing building on-site, ambient air, groundwater beneath the Site, the adjacent Eastern Heights neighborhood and a former

disposal area associated with the facility, nearby wetlands and Riverdale Creek. The EPA has been overseeing the cleanup of the facility under the Resource Conservation and Recovery Act (RCRA) program; however, the RCRA Program is referring this Site to the Superfund program in order to use CERCLA Authority to address complex environmental and enforcement issues. During the week of December 18, 2017, the EPA Emergency Response, Removal and Prevention Branch (ERRPB) conducted a Removal Site Evaluation (RSE) in accordance to Title 40 of the Code of Federal Regulations Section 300.410.

1.2 Site Location

The Site is located in Grenada, Grenada County, Mississippi. The physical address is 635 MS-332, Grenada, MS 38901. The latitude and longitude for the approximate center of the Site facility is 33.803255N and -89.800833W. The Site includes the 40-acre main facility, the former waste disposal areas (between the plant and Riverdale Creek) and the approximately 4-acre (Rockwell International Moose Lodge Road Disposal Site) located directly east of the main facility. The Site is bordered to the north by the Eastern Heights neighborhood, to the south by forest wetlands and to the west by Riverdale Creek.

2. Removal Site Evaluation

Although the TCE contamination has been found in the groundwater and numerous areas outside of the operational facility, the ERRPB RSE will focus on the TCE vapors from beneath the facility slab that are rising into the building and may pose a risk to the workers. The RSE consists of a review of historic and recent air monitoring data and consultation with the EPA Scientific Support Section (SSS).

The EPA directed the facility to conduct air sampling in and around the manufacturing building in October 2016 and January, March and May 2017. Results from these sample events continue to show elevated levels of TCE in the facility's indoor area. Results from the May 2017 sampling ranged from Non-Detect to 280 ug/m3 with the majority of sample results exceeding the removal management level (RML) of 8.8 ug/m3 for sensitive populations. Some locations exceeded the RML of 26 ug/m3 for non-sensitive populations.

Intermediate measures, such as additional building venting, were implemented in January 2017. These measures decreased TCE concentrations within the building; however, in order to provide a more reliable, long-term method to ensure TCE concentrations remain at acceptable levels, the EPA directed the facility to install a vapor intrusion treatment system. A sub-slab depressurization system (SSDS) was selected for a pilot test.

The most recent air sampling was conducted during the period June 2017 to October 2017 as part of a pilot test for the SSDS. Samples were collected at six locations within the facility prior to, during and after completion of the SSDS pilot test. Results for air samples collected prior to the operation of the SSDS ranged from 0.18 ug/m3 to 28 ug/m3 with the majority of the samples exceeding the RML of 8.8 ug/m3 for sensitive populations. During operation of the system, the concentrations decreased; however, once the system was shut off, the TCE concentrations increased.

Intermediate measures, such as venting by opening windows, are more difficult to implement during the winter, and the SSDS has been shut off since October 2017. These factors will likely contribute to TCE concentrations increasing to above acceptable risk levels in the indoor air at the facility.

ERRPB has provided the air data to the EPA SSS and requested a review and consultation in support of a possible time-critical removal action at the Site. The SSS is familiar with the facility and data through their support of the EPA RCRA program for the Site. Based on direct communications between ERRPB and the SSS, the SSS concurs that the indoor air concentrations exceed current risk-based RML levels. The SSS has indicated they will complete the review and provide documentation for the file at the first of January 2018.

3. Recommendation

TCE is a hazardous substance, listed in the Title 40 of the Code of Federal Regulations Section 302.4, as referred to in Section 101 (14) of CERCLA, as amended. TCE in the indoor air at the Site poses a significant threat to public health. The threat comes primarily from potential human exposure to the hazardous substance with the primary exposure pathway being inhalation of the hazardous substance by on-site workers.

The TCE vapors from beneath the facility slab that are rising into the building pose the following threats to public health or welfare as listed in Section 300.415 (b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan.

Section 300.415 (b)(2)(i) "Actual or potential exposure to nearby human populations or the food chain from hazardous substances pollutants or contaminants."

The facility is a large manufacturing operation with hundreds of workers present during multiple work shifts. Multiple indoor air sampling events have documented TCE concentrations exceeding both the sensitive and non-sensitive RMLs for TCE. There is no current effective vapor mitigation system in operation. The workers remain at risk of exposure to elevated levels of TCE via inhalation until the indoor air concentrations are lowered through appropriate removal actions.

Section 300.415 (b)(2)(iv) "High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate."

TCE is present beneath the facility slab at high concentrations. Sub-slab air monitoring results indicate TCE levels ranging from 3,000 ug/m3 to 220,000 ug/m3. Such high sub-slab air concentrations are indicative of high TCE levels in soils and groundwater under the facility. The high TCE concentration media under the building is acting as a source for TCE vapor migration into the indoor air of the facility. Workers remain at risk of exposure to TCE vapors exceeding RMLs until adequate measures are implemented to reduce indoor air TCE concentrations to acceptable risk levels.

The On-Scene Coordinator recommends a determination that the Site conditions meet the criteria for a removal action under Section 300.415 (b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan.

CONCUR: Matt Taylor for DATE: 12-26-2017
James W. Webster, Ph.D., Chief, ERRPB

NON-CONCUR: _____ DATE: _____
James W. Webster, Ph.D., Chief, ERRPB

United States Environmental Protection Agency

OLEM/OSRTI
Washington, DC 20460

NATIONAL PRIORITIES LIST (NPL)

Proposed Site

January 2018

ROCKWELL INTERNATIONAL WHEEL & TRIM | **Grenada, Mississippi** *Grenada County*

Site Location:

Rockwell International Wheel & Trim (alias Grenada Manufacturing) is located in north central Mississippi, on Highway 332 in Grenada. The site abuts Riverdale Creek, upstream from its confluence with the Yalobusha River. The surrounding area includes extensive wetlands and a mix of residential, agricultural and commercial uses.

Site History:

Rockwell International Wheel & Trim, followed by Textron Automotive Company and Grenada Manufacturing, operated a wheel cover manufacturing and chrome plating facility from 1966 to the early 2000s. Historically, chrome plating sludge, solvent still bottoms, buffing compound and other wastes were disposed in a wetland near Riverdale Creek, a disposal area east of the facility, a sludge lagoon and into surface water via the outfall ditch. Spills of trichloroethylene (TCE) and toluene from above ground tanks are documented. The use of TCE ceased in 1992. The 40-acre site includes the plant, the former waste disposal areas (between the plant and Riverdale Creek) and the disposal area on Moose Lodge Road. The facility is currently a metal stamping operation (chrome plating has been discontinued).

Site Contamination/Contaminants:

A ground water contaminant plume underlies the site and discharges to Riverdale Creek and nearby wetlands. TCE is present in ground water up to five orders of magnitude above the Safe Drinking Water Act Maximum Contaminant Level (MCL). TCE has migrated from the subsurface into the air of the active manufacturing plant (217 employees) at levels above the risk-based benchmark levels for both sensitive and non-sensitive populations. Despite the existence of a permeable reactive barrier wall, TCE continues to enter the outfall ditch and Riverdale Creek at concentrations above the MCL. Volatile organic compounds (VOCs) and metals have contaminated nearby wetlands.

Potential Impacts on Surrounding Community/Environment:

TCE-contaminated ground water discharges to Riverdale Creek, a recreational fishery. TCE-contaminated ground water also underlies part of the adjacent residential area (84 homes) resulting in the potential for vapor intrusion in the future. Outdoor (ambient air) has intermittently shown TCE at or above the risk-based screening levels.

Response Activities (to date):

In 2017, the facility increased ventilation to reduce plant worker exposure to TCE in the indoor air. In 2015, the state of Mississippi issued a water contact advisory for Riverdale Creek, a recreational fishery. Some contaminant source areas have been addressed under a Resource Conservation and Recovery Act (RCRA) Corrective Action permit, including capping the former sludge lagoon and installation of a permeable reactive barrier wall.

Need for NPL Listing:

The state of Mississippi referred the site to the EPA Superfund program because of the limited ability to address contamination beyond the scope of the RCRA permit and the complex nature of the ownership history. The EPA received a letter of support for placing this site on the NPL from the state of Mississippi.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination. See 56 FR 5600, February 11, 1991, or subsequent FR notices]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at https://www.atsdr.cdc.gov/toxfaqs/index.asp or by telephone at 1-800-CDC-INFO or 1-800-232-4636.

United States Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth St. SW, Atlanta, Georgia 30303-8960

August 15, 2017

MEMORANDUM

SUBJECT: Description of the shallow soils, hydrogeology and relevant facility details in the vicinity of the Grenada Manufacturing facility.
Grenada, MS

FROM: Ben Bentkowski, P. G.
Senior Hydrogeologist
Scientific Support Section
Superfund Division

TO: Cathy Amoroso
Remedial Project Manager
Superfund Division

This memorandum is intended to provide a description of the shallow soils, hydrogeology and some relevant facility details in the vicinity of the Grenada Manufacturing facility in Grenada, Mississippi. The releases of solvents have impacted these upper-most units, a surficial silty clay and the upper aquifer, which are underlain by a confining clay of approximately 10 feet in thickness. It is possible that the releases have minor impacts on the deeper formations, but that has not been investigated to any significant extent. Deeper geologic formations are important for a regional perspective, including water supply, but there are no functional water supply wells in the immediate area.

Physiography

The project site is situated in the Gulf Coastal Plain physiographic region. Specifically, the site is located within the alluvial valley of the Yalobusha River in the north-central hills region of northern Mississippi. The surface topography of this region consists of rolling hills (Brown and Adams, 1943 and Newcome and Bellandorf, 1973). The main surface water feature of this area is Grenada Lake, which covers 55 square miles. It is located approximately 9,000 feet east of the site. The lake is drained by the Yalobusha River, which flows southeast and south of the facility approximately 3,600 feet to the southeast. Riverdale Creek flows into the Yalobusha River and defines the northwestern boundary of the site.

Soils

A United States Department of Agriculture, Soil Conservation Service survey (1967) within the area of Granada Manufacturing is characterized by the Falaya Collins-Waverly soil association. These soils are defined as well drained to poorly drained silty loam soils formed in recent alluvium and thick beds of loess as seen in the photo below:

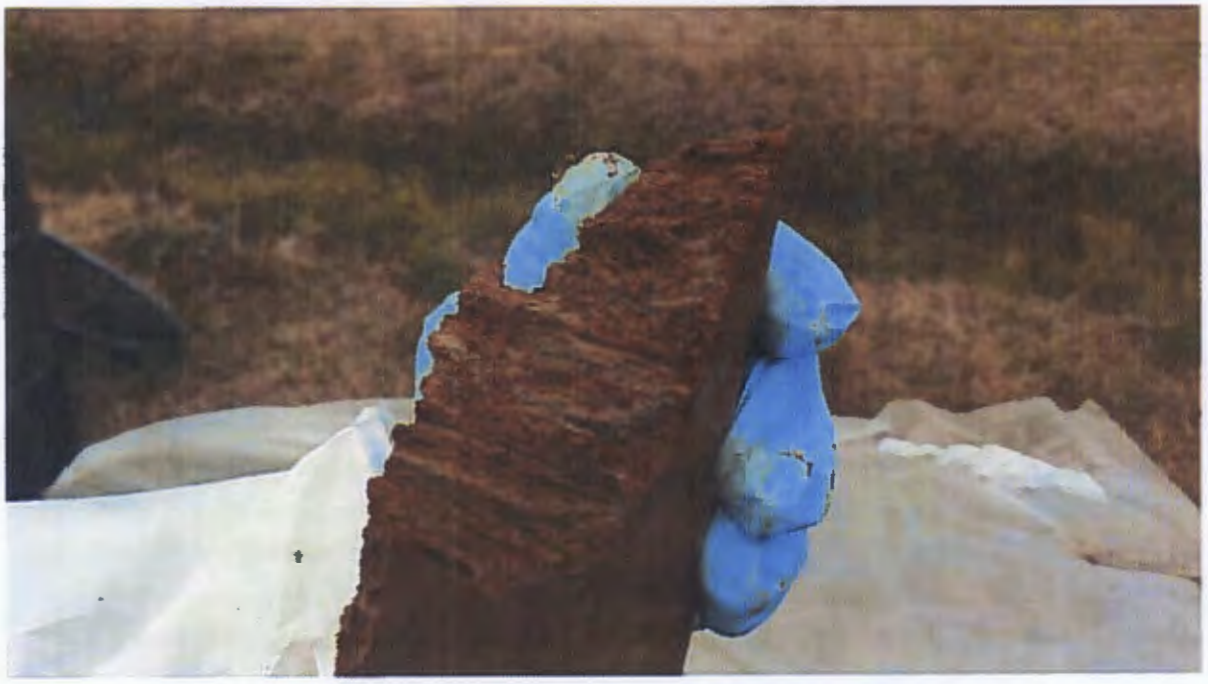


Fig. 1 An example of the silty soils in the plant vicinity

The plant property and nearby neighborhoods reportedly were claimed from swamps by filling with clay soils (Geraghty & Miller, 1989). A review of a site map, included at the end of this report, indicates a built up area in the area of the plant at an elevation of

182 to 186 feet above mean sea level (amsl). The lower elevations are in the 174 to 172 feet amsl and encompass the lowlands near the creeks and wetlands. As such, the shallowest soil classifications may reflect accumulations of soils which are not native to the site. However, the clay soil encountered during the 1994 Remedial Investigation, comprising the upper 8 to 15 feet of soil at the site, was very similar to that encountered off site and, therefore, appears to be native soil rather than fill, except in the immediate vicinity of the plant buildings.

There has been a recent subsurface investigation in the area just east of the main plant building on the Granada Manufacturing property (T&M, 2017). This investigation included 19 soil borings which were logged. The boring logs were evaluated and average thicknesses of the several lithologic units were calculated. On average, the fill material was 5.2 feet thick; the upper clay unit was 9.2 feet thick; the upper aquifer was 36.8 feet thick and as much as 9.8 feet of the subadjacent confining unit clays were drilled and logged. A recent boring east of the main plant yielded an example of the native material of the upper clay with mottled coloration and the more uniform grey of the fill material/clay seen in the upper-most portions of the soil boring.

Fig. 2 Native and fill clayey soils

A sample of these shallow soils was subject to a grain size analysis and it was identified as a lean clay with 63% silt and 31% clay sized particles. A sample from the next unit

down, the upper aquifer unit, was subject to a grain size analysis and it was identified as a poorly graded sand with 98% sand sized particles.

Hydrogeology

Significant aquifers in the vicinity of the site potentially include, in descending order, Pleistocene or Recent alluvial sands (Alluvial aquifer), the sands of the Winona member of the Lisbon formation (Winona aquifer), coarse-grained portions of the Basic City Shale member of the Tallahatta formation (Basic City aquifer), the sands of the Meridian member of the Tallahatta formation combined with the upper Wilcox formation sands (Meridian-upper Wilcox aquifer), discontinuous sand units of the middle Wilcox formation (Middle Wilcox aquifer), and the sands of the lower Wilcox formation (Lower Wilcox aquifer). The potential aquifers deeper than the Lower Wilcox aquifer do not contain fresh water in the study area (Newcome, 1973).

Based on a review of the regional hydrogeologic literature and the site-specific hydrogeology, the two water-bearing units encountered during the 1994 Remedial Investigation (designated in that report as the uppermost aquifer and lower aquifer) are interpreted to be sand units within the Basic City Shale member of the Tallahatta Formation (see Stratigraphic Column at the end of this memorandum). The report indicates an upward gradient between the lower aquifer and the upper-most aquifer. The aquifers within the Basic City Shale member in the vicinity of the site are most likely recharged by Grenada Lake to the east and where the sand units crop out, which occurs in the Grenada area and potentially beneath Grenada Lake. The aquifers discharge to Riverdale Creek and the Yalobusha River south and west in the vicinity of the site. Much of this geologic and hydrogeologic information was derived and taken from the Remedial Investigation Report, Randall Textron Plant Site, Grenada, Mississippi prepared by Eckenfelder, Inc., January 1994.

Relevant Facility Details

Consultants working on behalf of one of the parties associated with former facility operations have documented the condition of the factory floor and collected soil samples from below the factory floor which were analyzed for volatile organic compounds (VOCs) (Arcadis, 2017a). This report includes an inventory of 77 features of the factory floor that could allow vapors from the sub-slab to migrate into the building. These features include fractured concrete, cracks, concrete cuts, holes, drains, and concrete joints. These features were screened with a portable photoionization detector which detected TCE at 35 of the 77 locations with concentrations as high as 168,049 $\mu g/m^3$. These features were subsequently sealed but not re-tested for vapor leakage.

As part of this same report, there are sub-slab soil gas samples collected in October 2016, January 2017 and March 2017. A number of chlorinated VOCs were detected; the predominant compound detected was trichloroethylene (TCE) ranging from 70 to 79,000,000 $\mu g/m^3$.

Other work has been performed by Arcadis on behalf of Grenada Manufacturing, LLC, including sampling the subsurface soils below the building floor over the interval of two to 10 feet below the slab (Arcadis, 2017b). A number of chlorinated VOCs were detected in the subsurface soil; the predominant compound detected was TCE which was detected ranging from non-detect to 1,300,000 µg/kg. TCE was detected at all depth intervals with the greatest concentrations in the central eastern portion of the main building. Boring logs were created for the 10-foot interval of the soil borings. With minor variations, below the building floor, the predominant lithology is a silty clay. Most of the silty clay described in the lower portion of these boring logs bore a strong resemblance to the shallow, gray, silty clays in the upper portions of borings from beyond the main building. This would be consistent with an elevated factory floor and fill materials between the slab and the soils present before the main building's construction. No voids were reported directly underneath the slab, which ranged from 4.5 to 13 inches thick.

Soils and groundwater from around the facility were recently sampled and analyzed. The investigation was focused on the area immediately east of the main facility where TCE and toluene were stored and reportedly released (T&M Associates, 2017), known as "AOC A.". The soils encountered were previously described above. Soil samples were collected for headspace analysis by an on-site laboratory; TCE was detected in the headspace of some samples collected from one foot below the surface. Soils were sampled on approximately three foot intervals for the 21 soil borings performed during this investigation and submitted for VOC analysis. Results from SB-84, located directly east of the main building, indicate that TCE was detected in every interval submitted for analysis from 4 to 60 feet bls. This covers the surficial clays, the entire upper aquifer unit and seven feet into the intermediate confining layer that separates the upper and lower aquifer.

In summary, these two reports indicate that the factory floor has many irregularities that allow TCE vapors to migrate into the building from the materials below the slab. Directly outside of the building, the shallow clay soils are contaminated with TCE and that contamination extends all the way to the bottom of the upper aquifer and into the intermediate clay confining unit.

If you have any questions, please contact me.
Ben Bentkowski
404-562-8507
Bentkowski.Ben@epa.gov

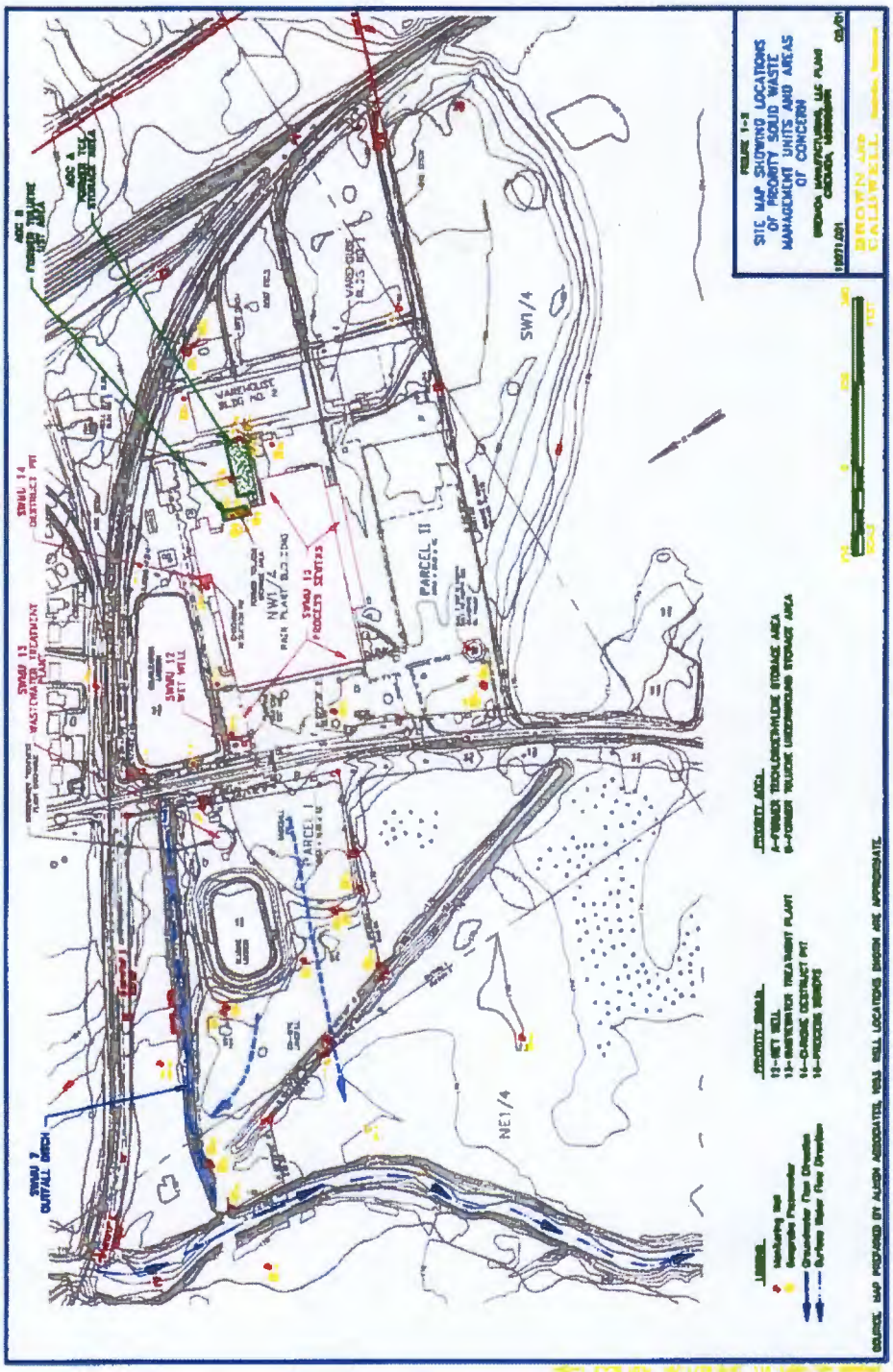
References

1. Brown, G. F. and R. W. Adams, 1943, "Geology and Groundwater Supply at Camp McCain", Mississippi Geological Survey Bulletin 55.
2. Eckenfelder, Inc., January 1994. Draft Remedial Investigation Report, Randall Textron Plant Site, Grenada, Mississippi.
3. Geraghty and Miller, 1989. Excerpts from Draft Environmental Study Report.
4. Newcome, R. and J. Bellandorf. 1973. Water for Industrial Development in Calhoun, Chickasaw, Choctaw, Grenada, Montgomery, Webster, and Yalobusha Counties, Mississippi. Mississippi Research and Development Center.
5. U.S. Department of Agriculture, 1967. *Soil Survey, Grenada County, Mississippi.* Soil Conservation Service (SCS), April 1967.
6. Arcadis U.S., Inc., 2017a. Interim Measures Evaluation, Focused Facility Sub-slab Assessment and Pilot Study Report, Grenada, Mississippi, Prepared for: Grenada Manufacturing, LLC, 635 Highway 332, Grenada, Mississippi 38901
7. Arcadis U.S., Inc., 2017b. Source Assessment Report, Grenada, Mississippi, August 10, 2017.
8. T&M Associates, Inc. 2017. AOC A Investigation Report, Grenada Manufacturing, LLC Facility, Grenada, Mississippi, Prepared for Meritor, Inc., June 2017

Erathem	System	Series	Group	Formation	Member Aquifer Lithology	
Cenozoic	Quaternary	Holocene			Alluvium	
		Pleistocene			Loess and alluvium	
	Tertiary	Eocene	Claiborne	Lisbon	Sparta Sand or Kosciusko member	
					Zipha Clay member	
					Winona Sand member	
				Tallahatta	Basic City Shale member	
					Meridian Sand member	
			Wilcox		Undifferentiated Stratigraphically	Upper Aquifer
						Middle Aquifer
						Lower Aquifer
		Paleocene	Midway	Porters Creek Clay	Confining units	
				Clayton		
Mesozoic	Cretaceous	Upper Cretaceous	Selma			
			Eutaw			
			Tuscaloosa			
		Lower Cretaceous				
Paleozoic						

(Modified from Dockery, 1981)

Stratigraphic Column in the Vicinity of the Granada Manufacturing Facility



Site Map with topographic contours and major features.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 21 2017

MEMORANDUM

SUBJECT: Referral from RCRA to CERCLA
Grenada Manufacturing, LLC, Grenada, MS
EPA I.D. Number MSD 007 037 278

FROM: G. Alan Farmer, Director
Resource Conservation and Restoration Division

TO: Franklin E. Hill, Director
Superfund Division

The Resource Conservation and Restoration (RCR) Division is hereby requesting that the above-referenced facility be referred from the RCR Division to the Superfund Division, to address known and potential hazardous waste contamination. The RCRA Cleanup and Brownfields Branch (RCBB) in the RCR Division has been addressing on-site and off-site contamination associated with the facility in recent years. The current Permittee (Grenada Manufacturing, LLC) is in bankruptcy and has no financial assets. However, Meritor is a viable responsible party that has historically conducted on-site corrective action at the facility, but is not conducting work under a legal authority.

Indoor air in the metal stamping building is contaminated with trichloroethylene (TCE) above health-based action levels (up to 81 ug/m^3) and is the result of TCE vapors in the subsurface (up to 2,900,000 ug/m^3) intruding into the building, also known as vapor intrusion (VI). Contaminated groundwater is present underneath the adjacent neighborhood of Eastern Heights from an unidentified source. While the EPA has not found evidence of TCE entering homes, contaminated groundwater under the neighborhood presents an ongoing potential for vapor intrusion into approximately 10-20 homes. Meritor has been unwilling to address the off-site groundwater under the adjacent neighborhood (Eastern Heights). Meritor has argued that there is another source contributing to the contamination off-site and will not claim responsibility for the contamination in Eastern Heights. Meritor has been cooperating with MDEQ to address a small parcel due east of the property off of Moose Lodge Road. In addition, the ongoing remedy for contaminated groundwater on-site, a permeable reactive barrier (PRB), is not performing as designed and is allowing site contaminants to enter Riverdale Creek. MDEQ issued a non-contact advisory for a portion of the creek in 2015.

In January 2017, the EPA received VI sampling results collected from inside of the Grenada Stamping Main Plant Building. The sampling results, from October 2016 (submitted to the EPA by Meritor), indicated that TCE in the form of a vapor was entering the building from sources below the slab and that TCE was detected in indoor air at unacceptable concentrations. Several rounds of indoor air sampling at the main plant building showed TCE above Superfund Removal Management Levels (RMLs), presenting a current, on-going risk to the 200+ plant workers. The EPA requested that a sub-slab depressurization system (SSDS) be installed in January 2017 and, although Meritor complied with the

EPA's request, the system is currently not operating. In order to resume operation of the system, the Mississippi Department of Environmental Quality (MDEQ) has required the submittal of a Clean Air Act permit application for stack emissions. MDEQ will authorize re-start of the SSDS once Meritor submits an air permit application; however, at this time, Meritor has failed to submit this application.[1] Therefore, VI issues inside the Main Plant Building can be addressed most effectively and expeditiously under CERCLA removal authority.

It is believed that the VI issues inside the building and the contamination both on and off-site will best be addressed under CERCLA. CERCLA authorities will ensure a comprehensive cleanup of all areas where hazardous substances were released, migrated or have come to be located, including adjacent, contiguous or co-mingled releases. CERCLA is also a more effective tool to bring in multiple Potentially Responsible Parties to conduct the cleanup. The SSDS, once operational, will reduce levels of TCE inside the building, but does not constitute a permanent remedy; remediation of the subsurface contamination will be necessary. If you have any questions or need additional information regarding this referral, please contact Brian Bastek of the RCRA Corrective Action and Permitting Section at extension 2-8511.

Attachments

cc: Randall Chaffins
Jim Webster
Matt Taylor
Steve Spurlin
Meredith Anderson
Bill Denman
Brian Bastek
Carol Monell
Stephen Smith

[1] A 30-day pilot test, ending on September 11, 2017, was conducted by Meritor for the purpose of collecting system data to be used in the air permitting application process. The last set of indoor air data was collected on October 9, 2017. In order to protect the workers and prevent exposure it is especially important during the colder months to have the system operational since the plant is less ventilated and the large manufacturing doors (which enhance air exchange) are kept closed most of the day.

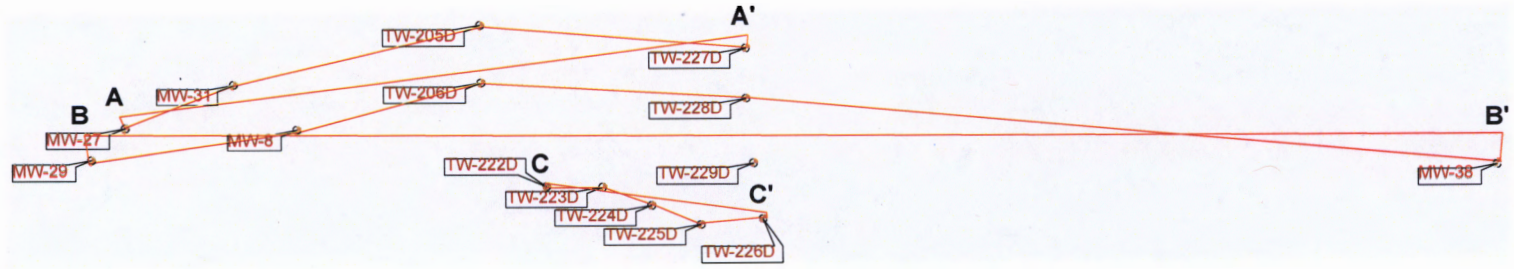
ROUTING AND TRANSMITTAL SLIP (Name, office symbol, room number, building, Agency/Post).	Initials	Date December 19, 2017
1. Brian Bastek	BB	12-21-17
2. Meredith Anderson ~~for~~	BB	12-21-17
3. Carol J. Monell		12/20/17
4. G. Alan Farmer		12/21/17
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13		
14.		

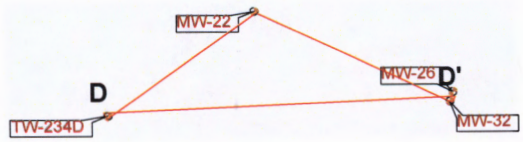
	Action		File		Note and Return
X	Approval		For Clearance		Per Conversation
	As Requested		For Correction		Prepare Reply
X	Circulate		FYI		See Me
	Comment		Investigate	X	Signature
	Coordination		Justify		

REMARKS MEMO
Referral from RCRA to CERCLA
Grenada Manufacturing LLC, Grenada, MS

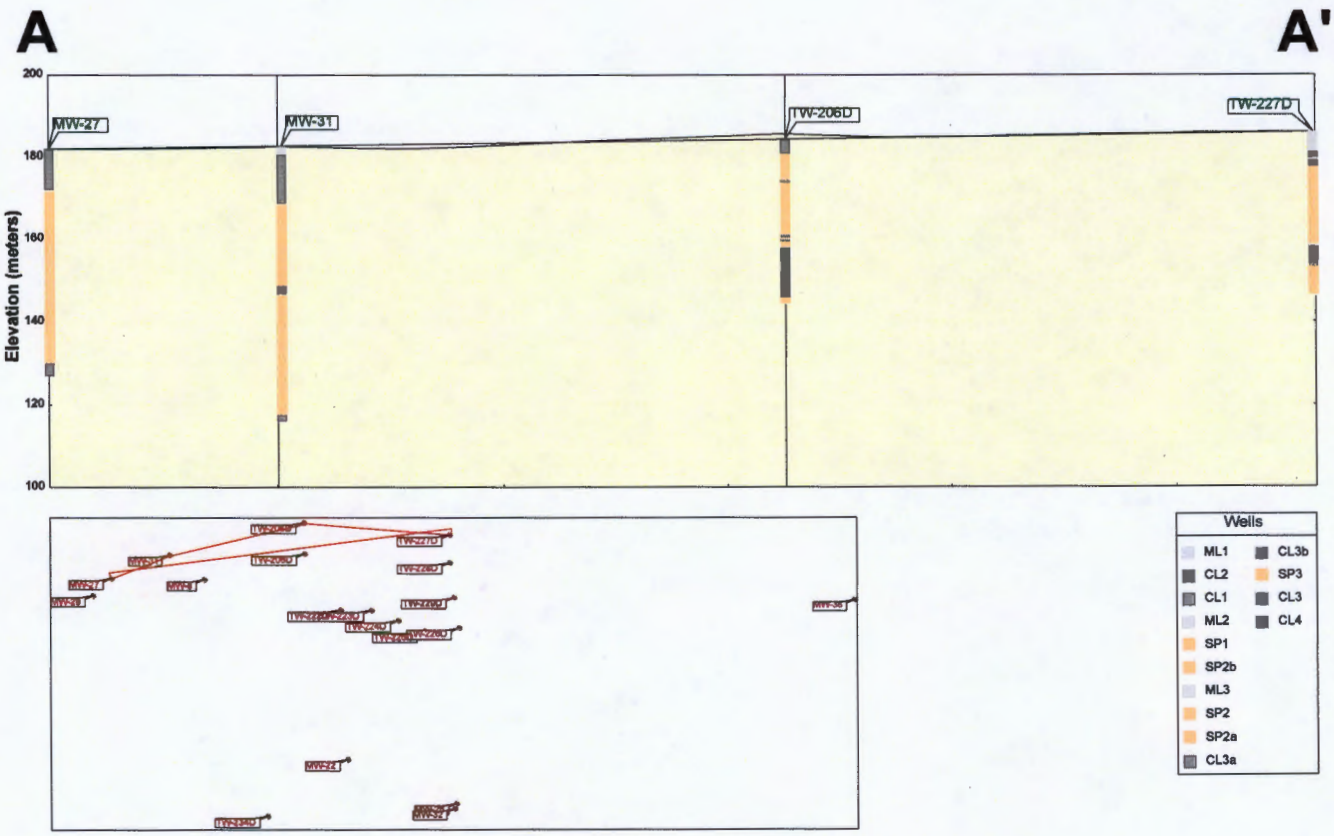
FROM: (Name, org. symbol, Agency / Post) Brian Bastek
2-8511

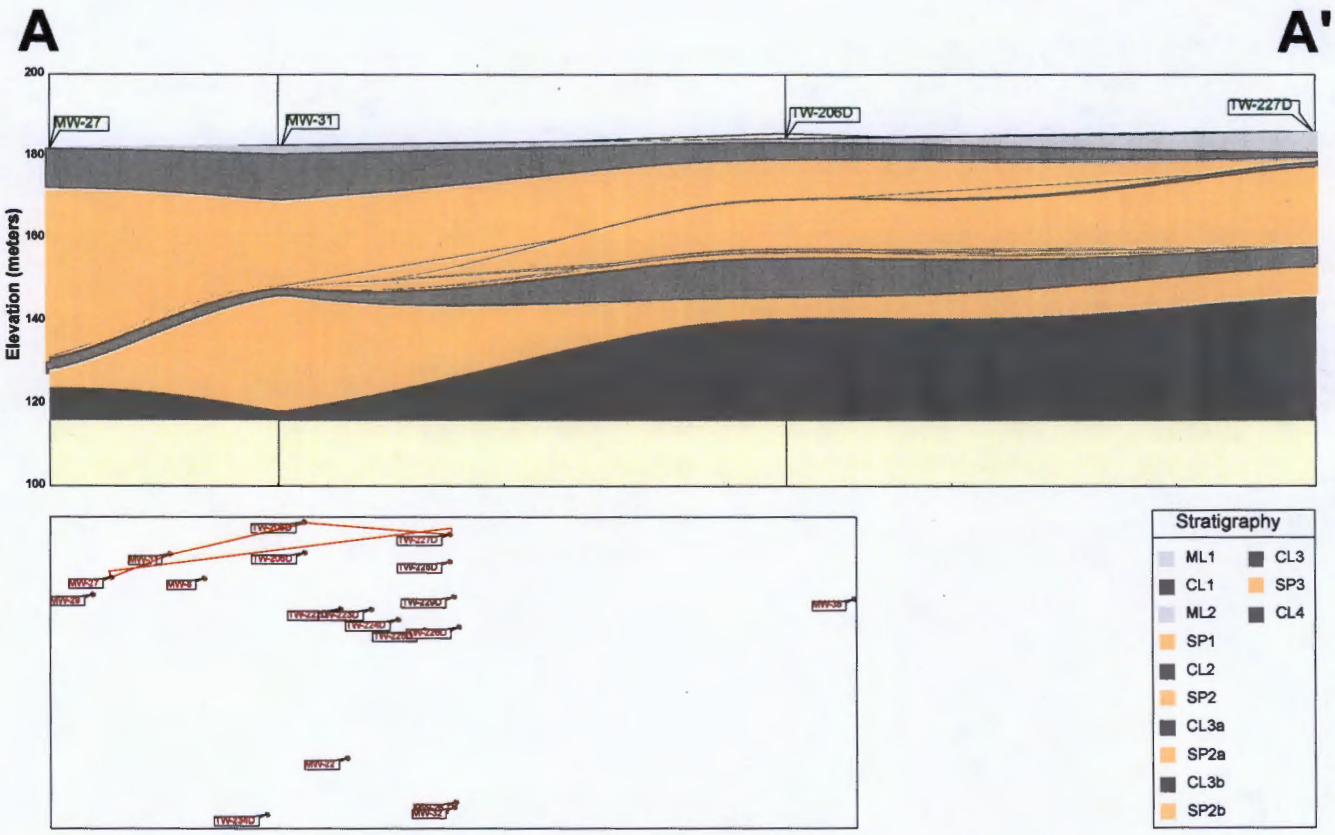

Equalization Lagoon
B-7
B-2
SS-5
SS-4
B-1
B-3
Main Plant Building
SS-6
OA-1
SS-3
A-2
A-1
A-7
B-4
A-5
SS-1
B-6
OA-6
OA-4

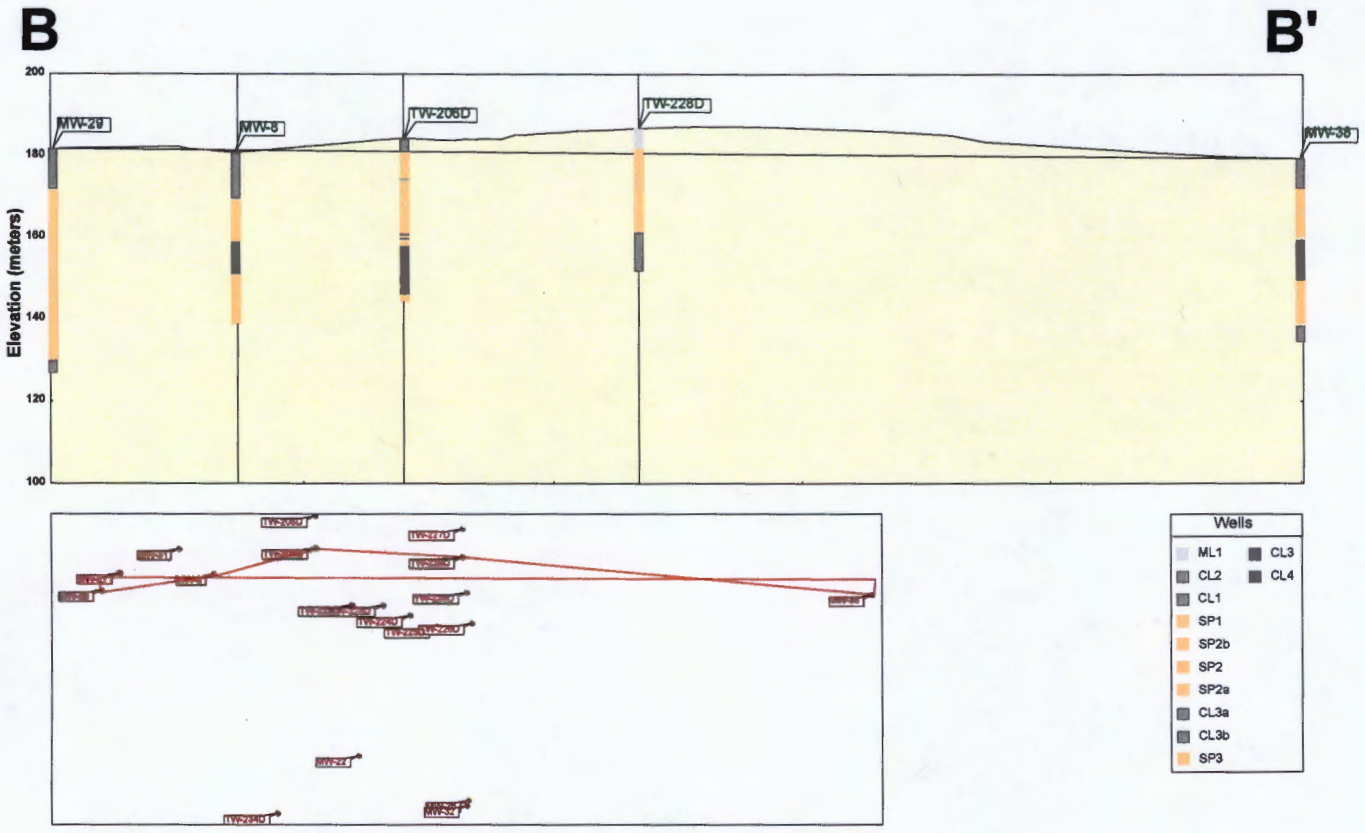

A'
TW-205D
TW-227D
A
MW-31
TW-206D
TW-228D
B
B'
MW-27
MW-8
MW-29
TW-222D
C
TW-229D
MW-38
TW-223D
C'
TW-224D
TW-225D
TW-226D

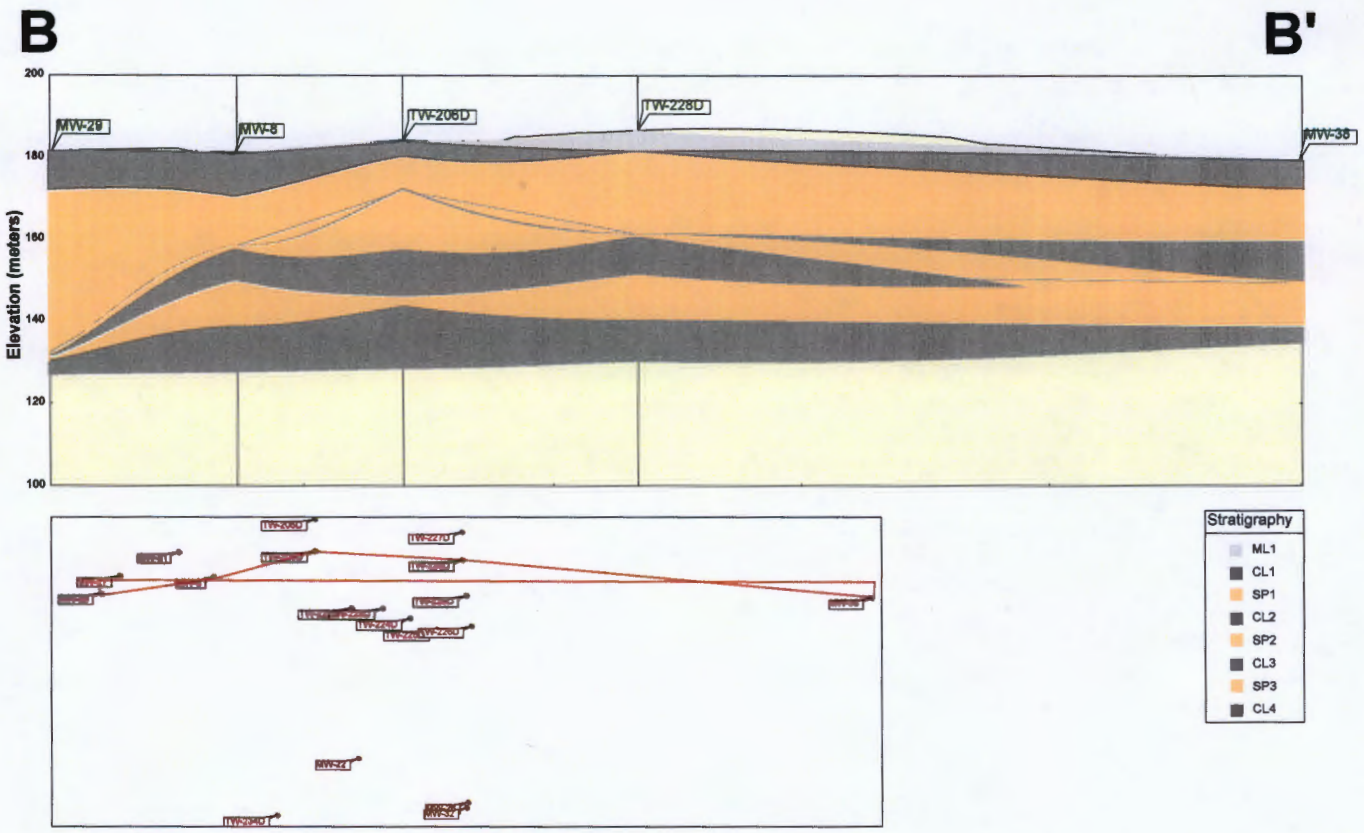

MW-22
MW-26
D'
D
TW-234D
MW-32


FALL 2015
A-A1
B-B1
C-C1
D-D1
MW-31 (172.106)
TW-227D
TW-227S
TW-228D
TW-228S
MW-32MLR
TW-229D (172.176)
TW-229S (172.861)
MW-34MLR (173.018)
MW-37 (165.702)
TW-222S
TW-223D (172.21)
PZ-45 (172.889)
TW-222D
TW-226D (172.188)
TW-224D (172.188)
PZ-45 (172.194)
TW-225D (172.241)
PZ-38 (172.402)
MW-28MLR (172.93)
MW-18MLR (172.506)
MW-19MLR (172.95)
PZ-41 (172.353)
PZ-22 (172.738)
MW-7 (171.867)
MW-22 (168.939)
PZ-4 (172.454)
PZ-23 (169.972)
PZ-8 (169.949)
PZ-12 (169.986)
MW-26
MW-1A (169.97)
PZ-5 (172.424)
PZ-9
PZ-7 (169.936)
MW-32 (163.777)
PZ-25 (172.441)
MW-41MLR (169.749)
PZ-3 (169.292)
MW-30MLR (169.802)

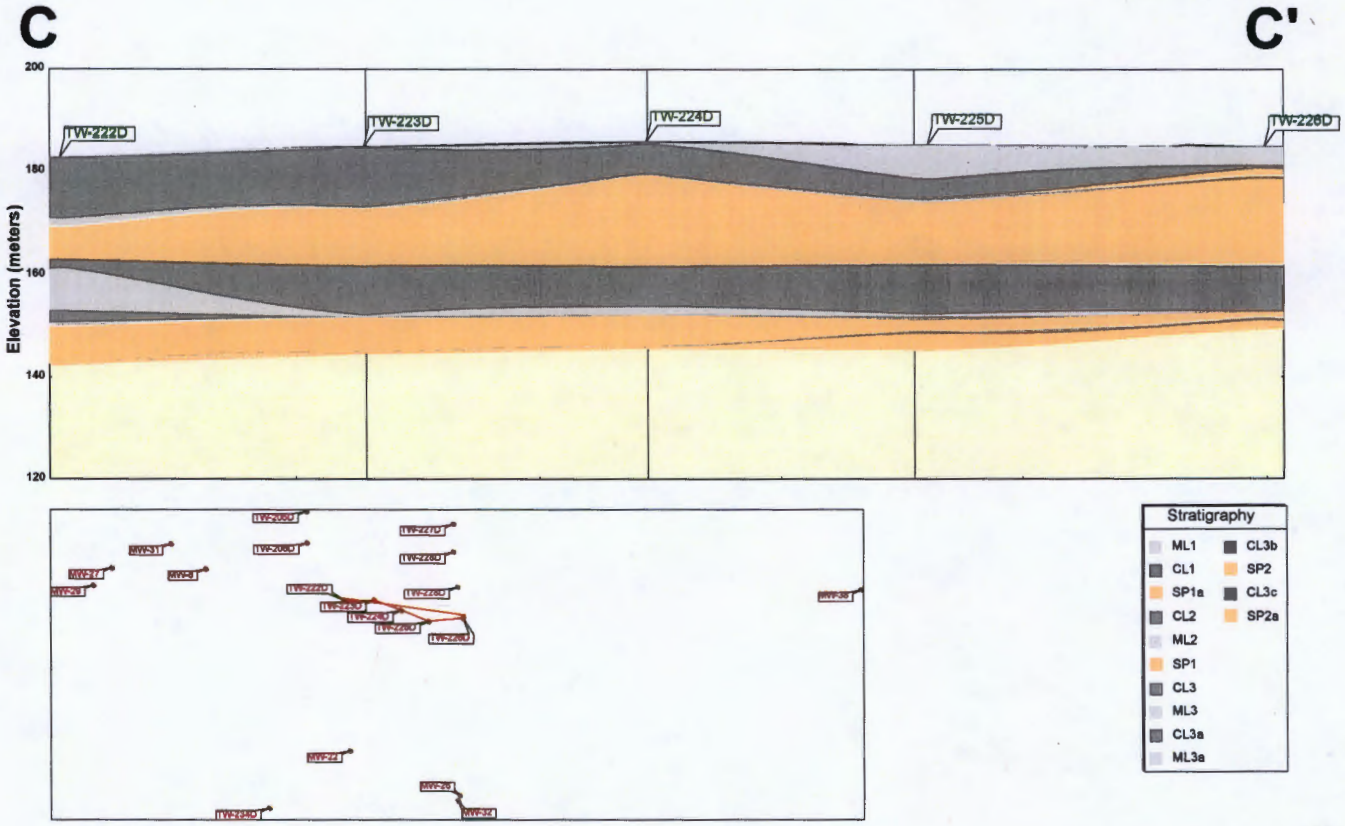

A
A'
200
180
160
140
120
100
Elevation (meters)
MW-27
MW-31
TW-206D
TW-227D
Wells
ML1
CL2
CL1
ML2
SP1
SP2b
ML3
SP2
SP2a
CL3a
CL3b
SP3
CL3
CL4

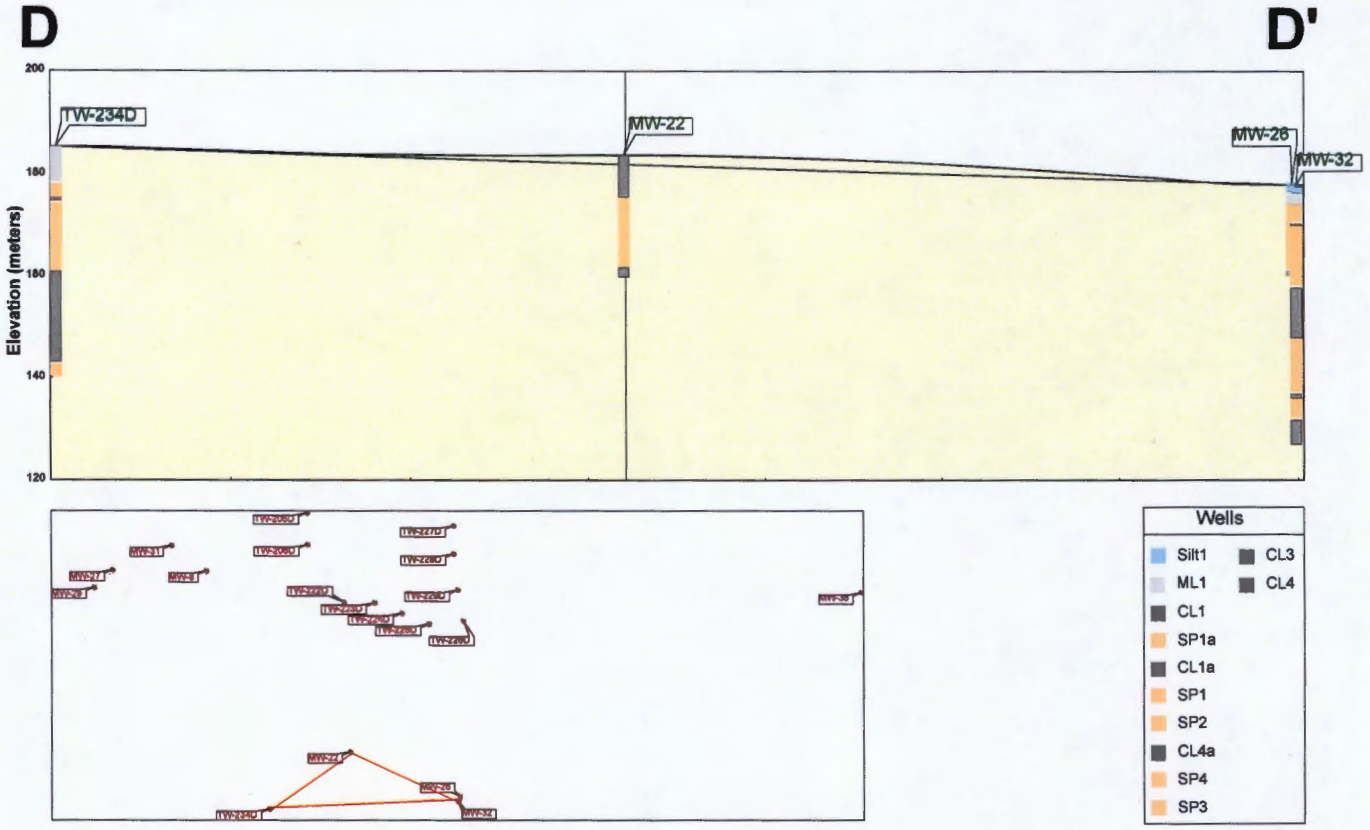

A
A'
200
180
160
140
120
100
Elevation (meters)
MW-27
MW-31
TW-206D
TW-227D
Stratigraphy
ML1
CL1
ML2
SP1
CL2
SP2
CL3a
SP2a
CL3b
SP2b
CL3
SP3
CL4


B
B'
200
180
160
140
120
100
Elevation (meters)
MW-29
MW-8
TW-206D
TW-228D
MW-38
Wells
ML1
CL2
CL1
SP1
SP2b
SP2
SP2a
CL3a
CL3b
SP3
CL3
CL4


B
B'
200
180
160
140
120
100
Elevation (meters)
MW-29
MW-8
TW-206D
TW-228D
MW-38
Stratigraphy
ML1
CL1
SP1
CL2
SP2
CL3
SP3
CL4


C
C'
200
180
160
140
120
Elevation (meters)
TW-222D
TW-223D
TW-224D
TW-225D
TW-226D
Wells
ML1
CL2
CL1
SP1a
ML2
SP1
ML3
ML3a
SP2
CL3c
SP2a
CL3a
CL3b
CL3


C
C'
200
180
160
140
120
Elevation (meters)
TW-222D
TW-223D
TW-224D
TW-225D
TW-226D
Stratigraphy
ML1
CL1
SP1a
CL2
ML2
SP1
CL3
ML3
CL3a
ML3a
CL3b
SP2
CL3c
SP2a


D
D'
200
180
160
140
120
Elevation (meters)
TW-234D
MW-22
MW-26
MW-32
Wells
Silt1
ML1
CL1
SP1a
CL1a
SP1
SP2
CL4a
SP4
SP3
CL3
CL4

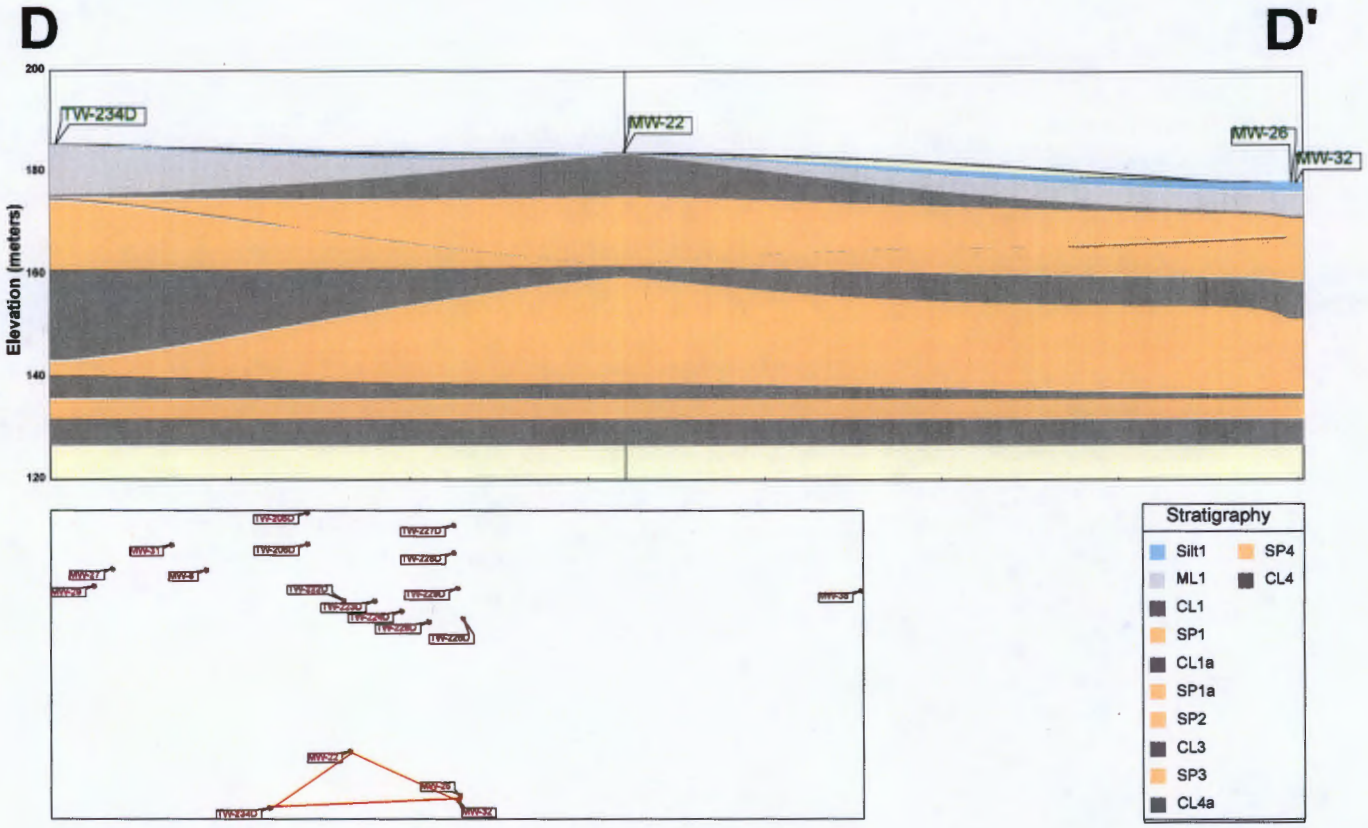

D
D'
200
180
160
140
120
Elevation (meters)
TW-234D
MW-22
MW-26
MW-32
Stratigraphy
Silt1
ML1
CL1
SP1
CL1a
SP1a
SP2
CL3
SP3
CL4a
SP4
CL4

Table 1
Summary of Indoor Air Analytical Results
Grenada Manufacturing
Grenada, Mississippi

ARCADIS Design & Consultancy for natural and built assets

Sample Details								Constituent (µg/m³)										
Sample Location ID	Sample ID	Sample Location	Consultant	Worker Shift	Sample Duration	Sample Dates	Analysis	1,1-DCA	1,1-DCE	cis-1,2-DCE	trans-1,2-DCE	1,1,2-TCA	Benzene	Methylene Chloride	PCE	TCE	Toluene	Vinyl Chloride
Indoor Air - Zone B: Production Area																		
A-5	548 JU	CMM Room / C-12	Arcadis	1st	8-hrs	5/2/2017	RAD 145*	< 57	NA	< 59	NA	< 73	< 55	NA	< 74	< 63	< 59	NA
	103 JX		Arcadis	2nd	8-hrs	5/2/2017	RAD 145*	< 53	NA	< 55	NA	< 68	< 51	NA	< 69	< 59	< 55	NA
	538 JU		Arcadis	3rd	8-hrs	5/1/2017	RAD 145*	< 51	NA	< 52	NA	< 65	< 49	NA	< 66	< 57	< 53	NA
	098 QK		Arcadis	All	7-days	5/1/2017 - 5/8/2017	RAD 130	< 2.6	NA	3.4 J	NA	< 3.3	< 2.5	NA	< 3.4	20	4.4 J	NA
	R-A-5		Arcadis	All	30-days	5/1/2017 - 5/30/2017	RAD 130	< 0.63	NA	2.9 J	NA	< 0.81	< 0.60	NA	< 0.82	7.4	7.3 J	NA
	A-5-BC		Arcadis	All	24-hrs	6/28/2017	TO-15	< 0.13	< 0.064	1.4	< 0.64	< 0.18	0.30	< 1.1	< 0.22	5.8	1.7	< 0.041
	A-5-BC		Arcadis	All	24-hrs	6/28/2017	RAD 130	< 0.94	< 3.8 UJ	2.0 J	< 2.4 UJ	< 1.1 UJ	< 3.6	NA	< 1.2	6.4	2.0	< 3.2 UJ
B-3	552 JU	F-16	Arcadis	1st	8-hrs	5/2/2017	RAD 145*	< 59	NA	< 60	NA	< 75	< 56	NA	< 76	< 65	< 61	NA
	104 JX		Arcadis	2nd	8-hrs	5/2/2017	RAD 145*	< 53	NA	< 55	NA	< 68	< 51	NA	< 69	< 59	< 55	NA
	543 JU		Arcadis	3rd	8-hrs	5/1/2017	RAD 145*	< 52	NA	< 54	NA	< 67	< 50	NA	< 68	< 58	< 54	NA
	092 QK		Arcadis	All	7-days	5/1/2017 - 5/8/2017	RAD 130	< 2.6	NA	< 2.7	NA	< 3.3	< 2.5	NA	< 3.4	29	3.9 J	NA
	R-B-3		Arcadis	All	30-days	5/1/2017 - 5/30/2017	RAD 130	< 0.63	NA	1.4 J	NA	< 0.81	< 0.61	NA	< 0.82	13	3.3 J	NA
	B-3-BC		Arcadis	All	24-hrs	6/28/2017	TO-15	< 0.13	0.073	1.8	< 0.65	< 0.18	0.28	< 1.1	0.47	25	1.4	< 0.042
	B-3-BC		Arcadis	All	24-hrs	6/28/2017	RAD 130	< 0.82	< 3.3 UJ	2.2 J	< 2.1 UJ	< 0.96 UJ	< 3.2	NA	< 1.1	28	1.5	< 2.8 UJ
B-4	550 JU	D-14	Arcadis	1st	8-hrs	5/2/2017	RAD 145*	< 57	NA	< 59	NA	< 74	< 55	NA	< 75	< 64	< 60	NA
	B-4 (050217) 1ST		Arcadis	1st	8-hrs	5/2/2017	TO-15	< 2.02	< 1.98	4.7	35.2	< 2.73	< 1.60	< 1.74	< 3.39	51.4	30.3	< 1.28
	118 JX		Arcadis	1st	8-hrs	5/9/2017	RAD 145	ND	NA	NU	NA	ND	4.3	NA	< 2.1	230 E (J)	37	NA
	431 JX		Arcadis	1st	8-hrs	5/16/2017	RAD 145	ND	NA	NU	NA	ND	< 2.0	NA	< 2.1	120	6.6	NA
	557 JU		Arcadis	2nd	8-hrs	5/2/2017	RAD 145*	< 53	NA	< 55	NA	< 68	< 51	NA	< 69	< 59	< 55	NA
	B-4 (050217) 2ND		Arcadis	2nd	8-hrs	5/2/2017	TO-15	< 2.02	< 1.98	4.00	< 1.98	< 2.73	< 1.60	< 1.74	< 3.39	33.6	2.34	< 1.28
	123 JX		Arcadis	2nd	8-hrs	5/9/2017	RAD 145	ND	NA	NU	NA	ND	4.5	NA	< 2.1	280 E (J)	59	NA
	438 JX		Arcadis	2nd	8-hrs	5/16/2017	RAD 145	ND	NA	NU	NA	ND	< 1.9	NA	< 2.1	110	7.2	NA
	540 JU		Arcadis	3rd	8-hrs	5/1/2017	RAD 145*	< 52	NA	< 54	NA	< 67	< 50	NA	< 68	< 58	< 54	NA
	B-4 (050117) 3RD		Arcadis	3rd	8-hrs	5/1/2017	TO-15	< 2.02	< 1.98	< 1.98	< 1.98	< 2.73	< 1.60	59.1	< 3.39	13.8	31.2	< 1.28
	111 JX		Arcadis	3rd	8-hrs	5/8/2017	RAD 145	ND	NA	NU	NA	ND	3.8	NA	< 2.2	210 E (J)	34	NA
	104 QK		Arcadis	3rd	8-hrs	5/16/2017	RAD 145	ND	NA	NU	NA	ND	2.1	NA	< 2.0	75	38	NA
	088 QK		Arcadis	All	7-days	5/1/2017 - 5/8/2017	RAD 130	< 2.6	NA	5.5 J	NA	< 3.3	< 2.5	NA	< 3.4	46	5.1 J	NA
	425 JX		Arcadis	All	14-days	5/1/2017 - 5/15/2017	RAD 130	< 1.3	NA	6.0 J	NA	< 1.7	< 1.2	NA	< 1.7	1.2	5.2 J	NA
	B-4-BC		Arcadis	All	24-hrs	6/28/2017	TO-15	< 0.50	< 0.24	1.1	< 2.4	< 0.68	< 0.99	< 4.3	< 0.84	6.1	1.7	< 0.18
	B-4-BC		Arcadis	All	24-hrs	6/28/2017	RAD 130	< 0.86	< 3.5 UJ	1.4 J	< 2.2 UJ	< 1.0 UJ	< 3.3	NA	< 1.1	6.9	1.8	< 3.0 UJ
	R-B-4		Arcadis	All	7-days	7/13/2017 - 7/20/2017	RAD 130	< 0.13	< 0.53 UJ	2.4 J	< 0.33 UJ	< 0.15 UJ	< 0.50	NA	< 0.17	11.0	3.5	< 0.45 UJ
B-6	539 JU	B-19	Arcadis	1st	8-hrs	5/2/2017	RAD 145*	< 57	NA	< 59	NA	< 73	< 55	NA	< 74	< 63	< 59	NA
	120 JX		Arcadis	1st	8-hrs	5/9/2017	RAD 145	ND	NA	ND	NA	ND	3.9	NA	< 2.1	180 E (J)	21	NA
	432 JX		Arcadis	1st	8-hrs	5/16/2017	RAD 145	ND	NA	NU	NA	ND	< 2.0	NA	< 2.1	67	4.1	NA
	558 JU		Arcadis	2nd	8-hrs	5/2/2017	RAD 145*	< 53	NA	< 55	NA	< 68	< 51	NA	< 69	< 59	< 55	NA
	418 JX		Arcadis	2nd	8-hrs	5/9/2017	RAD 145	ND	NA	NU	NA	ND	4.2	NA	< 2.1	240 E (J)	26	NA
B-6	098 QK	B-19	Arcadis	2nd	8-hrs	5/16/2017	RAD 145	ND	NA	NU	NA	ND	< 1.9	NA	< 2.1	60	3.4	NA
	539 JU		Arcadis	3rd	8-hrs	5/1/2017	RAD 145*	< 51	NA	< 53	NA	< 65	< 49	NA	< 67	< 57	< 53	NA
	119 JX		Arcadis	3rd	8-hrs	5/8/2017	RAD 145	ND	NA	NU	NA	ND	2.9	NA	< 1.9	130	12	NA
	109 QK**		Arcadis	3rd	8-hrs	5/16/2017	RAD 145	ND	NA	NU	NA	ND	1.9	NA	< 2.0	90	19	NA
	093 QK		Arcadis	All	7-days	5/1/2017 - 5/8/2017	RAD 130	< 2.6	NA	19 J	NA	< 3.3	< 2.5	NA	< 3.4	40	3.3 J	NA
	424 JX		Arcadis	All	14-days	5/1/2017 - 5/15/2017	RAD 130	< 1.3	NA	13 J	NA	< 1.7	< 1.2	NA	< 1.7	1.2	3.6 J	NA

Table 1
Summary of Indoor Air Analytical Results
Grenada Manufacturing
Grenada, Mississippi

ARCADIS Design & Consultancy for natural and built assets

Sample Details								Constituent (µg/m³)										
Sample Location ID	Sample ID	Sample Location	Consultant	Worker Shift	Sample Duration	Sample Dates	Analysis	1,2-DCA	1,1-DCE	cis-1,2-DCE	trans-1,2-DCE	1,1,2-TCA	Benzene	Methylene Chloride	PCE	TCE	Toluene	Vinyl Chloride
	B-6-BC		Arcadis	All	24-hrs	6/28/2017	TO-15	< 0.13	< 0.065	2.5	< 0.65	< 0.18	< 0.26	< 1.1	< 0.22	4.8	0.51	< 0.042
	B-6-BC		Arcadis	All	24-hrs	6/28/2017	RAD 130	< 0.91	< 3.7 UJ	7.6 J	< 2.3 UJ	< 1.1 UJ	< 3.5	NA	< 1.2	12	< 0.95	< 3.1 UJ
	R-B-6		Arcadis	All	7-days	7/13/2017 - 7/20/2017	RAD 130	< 0.13	< 0.53 UJ	1.9 J	< 0.33 UJ	< 0.15 UJ	< 0.50	NA	< 0.17	6.1	1.5	< 0.44 UJ
B-8	553 JU	G-18	Arcadis	1st	8-hrs	5/2/2017	RAD 145*	< 58	NA	< 60	NA	< 74	< 56	NA	< 76	< 65	< 60	NA
	105 JX		Arcadis	2nd	8-hrs	5/2/2017	RAD 145*	< 53	NA	< 55	NA	< 69	< 51	NA	< 70	< 60	< 56	NA
	544 JU		Arcadis	3rd	8-hrs	5/1/2017	RAD 145*	< 53	NA	< 55	NA	< 68	< 51	NA	< 70	< 60	< 55	NA
	090 QK		Arcadis	All	7-days	5/1/2017 - 5/8/2017	RAD 130	< 2.6	NA	< 2.7	NA	< 3.3	< 2.5	NA	< 3.4	14	< 2.7 UJ	NA
	B-8-BC		Arcadis	All	24-hrs	6/28/2017	TO-15	< 0.14	< 0.068	1.2	< 0.68	< 0.19	0.63	< 1.2	< 0.23	7.1	1.5	< 0.044
	B-8-BC		Arcadis	All	24-hrs	6/28/2017	RAD 130	< 0.60	< 3.2 UJ	1.6 J	< 2.1 UJ	< 0.94 UJ	< 3.1	NA	< 1.0	8.0	1.5	< 2.7 UJ
B-9	551 JU	E-10	Arcadis	1st	8-hrs	5/2/2017	RAD 145*	< 58	NA	< 60	NA	< 75	< 56	NA	< 76	< 65	< 60	NA
	117 JX		Arcadis	1st	8-hrs	5/9/2017	RAD 145	ND	NA	NU	NA	ND	3.9	NA	< 2.2	86	14	NA
	433 JX		Arcadis	1st	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	< 2.0	NA	< 2.2	14	3.8	NA
	558 JU		Arcadis	2nd	8-hrs	5/2/2017	RAD 145*	< 53	NA	< 55	NA	< 68	< 51	NA	< 69	< 59	< 55	NA
	419 JX		Arcadis	2nd	8-hrs	5/9/2017	RAD 145	ND	NA	NU	NA	ND	4.2	NA	< 2.1	91	15	NA
	099 QK		Arcadis	2nd	8-hrs	5/18/2017	RAD 145	ND	NA	ND	NA	ND	< 1.9	NA	< 2.1	13	2.7	NA
	542 JU		Arcadis	3rd	8-hrs	5/1/2017	RAD 145*	< 51	NA	< 53	NA	< 68	< 50	NA	< 67	< 57	< 54	NA
	116 JX		Arcadis	3rd	8-hrs	5/8/2017	RAD 145	ND	NA	NU	NA	ND	3.5	NA	< 1.9	78	13	NA
	106 QK		Arcadis	3rd	8-hrs	5/18/2017	RAD 145	ND	NA	ND	NA	ND	< 1.8	NA	< 2.0	26	29	NA
	091 QK		Arcadis	All	7-days	5/1/2017 - 5/8/2017	RAD 130	< 2.6	NA	11 J	NA	< 3.3	< 2.5	NA	< 3.4	75	5.2 J	NA
	426 JX		Arcadis	All	14-days	5/1/2017 - 5/15/2017	RAD 130	< 1.3	NA	6.0 J	NA	< 1.7	< 1.2	NA	< 1.7	1.2	3.9 J	NA
	B-9-BC		Arcadis	All	24-hrs	6/28/2017	TO-15	< 0.12	< 0.061	1.8	< 0.61	< 0.17	0.44	< 1.1	0.26	12	1.9	< 0.040
	B-9-BC		Arcadis	All	24-hrs	6/28/2017	RAD 130	< 0.88	< 3.6 UJ	2.5 J	< 2.3 UJ	< 1.0 UJ	< 3.4	NA	< 1.2	14	2.0	< 3.0 UJ
QA/QC																		
B-4	541 JU	D-14	Arcadis	3rd	8-hrs	5/1/2017	RAD 145*	< 52	NA	< 54	NA	< 67	< 50	NA	< 68	< 58	< 58	NA
B-3	546 JU	F-16	Arcadis	3rd	8-hrs	5/1/2017	RAD 145*	< 52	NA	< 54	NA	< 67	< 50	NA	< 68	< 58	< 54	NA
B-4	089 QK	D-14	Arcadis	All	7-days	5/1/2017 - 5/8/2017	RAD 130	< 2.6	NA	5.3 J	NA	< 3.3	< 2.5	NA	< 3.4	45	4.9 J	NA
B-3	094 QK	F-16	Arcadis	All	7-days	5/1/2017 - 5/8/2017	RAD 130	< 2.6	NA	< 2.7	NA	< 3.3	< 2.5	NA	< 3.4	22	3.7 J	NA
B-4	110 JX	D-14	Arcadis	3rd	8-hrs	5/8/2017	RAD 145	ND	NA	NU	NA	ND	3.5	NA	< 2.2	190 E (J)	37	NA
B-9	107 QK	E-10	Arcadis	3rd	8-hrs	5/16/2017	RAD 145	ND	NA	NU	NA	ND	2.0	NA	< 2.0	65	< 1.7	NA
B-3	DUP-5	F-16	Arcadis	All	30-days	5/1/2017 - 5/30/2017	RAD 130	< 0.63	NA	1.6 J	NA	< 0.81	< 0.61	NA	< 0.82	20	3.5 J	NA
B-4	DUP-1-BC	D-14	Arcadis	All	24-hrs	6/28/2017	TO-15	< 0.14	< 0.069	1.1	< 0.69	< 0.19	0.41	< 1.2	< 0.24	6.2	1.6	< 0.044
B-4	DUP-1-BC	D-14	Arcadis	All	24-hrs	6/28/2017	RAD 130	< 0.86	< 3.5 UJ	1.5 J	< 2.2 UJ	< 1.0 UJ	< 3.3	NA	< 1.1	7.3	1.9	< 3.0 UJ
B-4	DUP-2-BC	D-14	Arcadis	All	7-days	7/13/2017 - 7/20/2017	RAD 130	< 0.13	< 0.53 UJ	1.5 J	< 0.33 UJ	< 0.15 UJ	< 0.50	NA	< 0.17	11.0	3.2	< 0.45 UJ

Notes:

‡ Sample duration is approximate.

* Laboratory inadvertently prepared samples for RAD 130 analysis.

** Samples 105 QK and 109 QK were inadvertently switched.

ǂ Samples collected May 2017 at B-4, B-6 and B-9 follow Program A sampling

ǂǂ Samples collected May 2017 at A-5, B-3 and B-8 follow Program C sampling

Abbreviations:

µg/m³ micrograms per cubic meter.

DCA Dichloroethane.

DCE Dichloroethene.

C Estimated concentration due to calculated sampling rate.

E The compound was quantitated above the calibration range.

J The compound was positively identified; however, the associated numerical value is an estimated concentration only.

(J) The compound was positively identified; however, the associated numerical value is an estimated concentration only because the reported concentrations are greater than the instrument calibration range.

Table 1
Summary of Indoor Air Analytical Results
Grenada Manufacturing
Grenada, Mississippi

ARCADIS Design & Consultancy for natural and built assets

Sample Details								Constituent (µg/m³)										
Sample Location ID	Sample ID	Sample Location	Consultant	Worker Shift	Sample Duration	Sample Dates	Analysis	1,2-DCA	1,1-DCE	cis-1,2-DCE	trans-1,2-DCE	1,1,2-TCA	Benzene	Methylene Chloride	PCE	TCE	Toluene	Vinyl Chloride

NA	Not available by Method Radiello 130 Solvent Panel Scan and/or Method Radiello 145 Thermal Desorption.
ND	Not detected by Method Radiello 145 Thermal Desorption. Due to unpublished uptake rates for the compound the quantitation limit cannot be identified.
NU	Detected by Method Radiello 145 Thermal Desorption. Due to unpublished uptake rates for the compound the quantitation limit cannot be identified.
PCE	Tetrachloroethene.
RAD 130	Samples collected in Radiello 130 passive samples and analyzed by solvent panel scan by gas chromatography/mass spectrometry.
RAD 145	Samples collected in Radiello 145 passive samples and analyzed by thermal desorption scan by gas chromatography/mass spectrometry.
TCA	Trichloroethane.
TCE	Trichloroethene.
TO-15	TO-15 samples collected in 6-liter summa canisters and analyzed by modified U.S. Environmental Protection Agency Method TO-15 gas chromatography/mass spectrometry.
UJ	The compound was not detected above the reported sample quantitation limit. However, the reported limit is approximate and may or may not represent the actual limit of quantitation.

Table 1a
Summary of Ambient Air Analytical Results Associated with Indoor Air
Grenada Manufacturing
Grenada, Mississippi

ARCADIS Design & Consultancy for natural and built assets

Sample Details								Constituent (µg/m										
Sample Location ID	Sample ID	Sample Location	Consultant	Worker Shift	Sample Duration	Sample Dates	Analysis	1,2-DCA	1,1-DCE	cis-1,2-DCE	trans-1,2-DCE	1,1,2-TCA	Benzene	Methylene Chloride	PCE	TCE	Toluene	Vinyl Chloride
Ambient Air																		
AMB-N	554 JU	North side of facility	Arcadis	1st	8-hrs	5/2/2017	RAD 145*	< 56	NA	< 60	NA	< 75	< 56	NA	< 76	< 65	< 60	NA
	115 JX		Arcadis	1st	8-hrs	5/9/2017	RAD 145	ND	NA	ND	NA	ND	2.9	NA	< 2.2	< 2.1	7.4	NA
	435 JX		Arcadis	1st	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	< 2.0	NA	< 2.2	< 2.0	7.1	NA
	106 JX		Arcadis	2nd	8-hrs	5/2/2017	RAD 145*	< 53	NA	< 55	NA	< 69	< 51	NA	< 70	< 60	< 56	NA
	421 JX		Arcadis	2nd	8-hrs	5/9/2017	RAD 145	ND	NA	ND	NA	ND	2.9	NA	< 2.1	2.9	4.7	NA
	101 QK		Arcadis	2nd	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	< 1.9	NA	< 2.1	< 2.0	3.8	NA
	547 JU		Arcadis	3rd	8-hrs	5/1/2017	RAD 145*	< 53	NA	< 55	NA	< 68	< 51	NA	< 69	< 59	< 55	NA
	114 JX		Arcadis	3rd	8-hrs	5/8/2017	RAD 145	ND	NA	ND	NA	ND	2.7	NA	< 2.0	< 1.9	6.8	NA
AMB-N	108 QK	North side of facility	Arcadis	3rd	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	1.9	NA	< 2.0	< 1.8	21	NA
	097 QK		Arcadis	All	7-days	5/1/2017 - 5/8/2017	RAD 130	< 2.6	NA	< 2.7	NA	< 3.3	< 2.5	NA	< 3.4	< 2.9	< 2.7 UJ	NA
	428 JX		Arcadis	All	14-days	5/1/2017 - 5/15/2017	RAD 130	< 1.3	NA	< 1.3	NA	< 1.7	< 1.2	NA	< 1.7	< 1.4	1.7 J	NA
	Amb-R-N		Arcadis	All	30-days	5/1/2017 - 5/30/2017	RAD 130	< 0.63	NA	< 0.65	NA	< 0.81	< 0.60	NA	< 0.82	< 0.70	0.77 J	NA
AMB-S	555 JU	South side of facility	Arcadis	1st	8-hrs	5/2/2017	RAD 145*	< 58	NA	< 60	NA	< 75	< 56	NA	< 76	< 65	< 61	NA
	122 JX		Arcadis	1st	8-hrs	5/9/2017	RAD 145	ND	NA	ND	NA	ND	2.8	NA	< 2.2	< 2.0	8.1	NA
	434 JX		Arcadis	1st	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	< 2.0	NA	< 2.2	< 2.0	10	NA
	107 JX		Arcadis	2nd	8-hrs	5/2/2017	RAD 145*	< 53	NA	< 55	NA	< 69	< 51	NA	< 70	< 60	< 56	NA
	420 JX		Arcadis	2nd	8-hrs	5/9/2017	RAD 145	ND	NA	ND	NA	ND	2.7	NA	< 2.1	< 2.0	4.9	NA
	100 QK		Arcadis	2nd	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	< 1.9	NA	< 2.1	< 2.0	4.0	NA
	545 JU		Arcadis	3rd	8-hrs	5/1/2017	RAD 145*	< 55	NA	< 57	NA	< 71	< 53	NA	< 72	< 62	< 57	NA
	121 JX		Arcadis	3rd	8-hrs	5/8/2017	RAD 145	ND	NA	ND	NA	ND	3.2	NA	< 2.0	< 1.9	9.0	NA
	105 QK**		Arcadis	3rd	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	2.1	NA	< 2.0	< 1.9	18	NA
	095 QK		Arcadis	All	7-days	5/1/2017 - 5/8/2017	RAD 130	< 2.6	NA	< 2.7	NA	< 3.3	< 2.5	NA	< 3.4	< 2.9	< 2.7 UJ	NA
	427 JX		Arcadis	All	14-days	5/1/2017 - 5/15/2017	RAD 130	< 1.3	NA	< 1.3	NA	< 1.7	< 1.2	NA	< 1.7	< 1.4	< 1.3	NA
	Amb-R-S		Arcadis	All	30-days	5/1/2017 - 5/30/2017	RAD 130	< 0.63	NA	< 0.65	NA	< 0.81	< 0.60	NA	< 0.82	< 0.70	< 0.65	NA
AMB-E	108 JX	East side of facility	Arcadis	1st	8-hrs	5/9/2017	RAD 145	ND	NA	ND	NA	ND	2.6	NA	< 2.2	< 2.1	25	NA
	437 JX		Arcadis	1st	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	< 2.1	NA	< 2.3	< 2.2	13	NA
	423 JX		Arcadis	2nd	8-hrs	5/9/2017	RAD 145	ND	NA	ND	NA	ND	2.3	NA	< 2.1	< 2.0	18	NA
	103 QK		Arcadis	2nd	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	< 1.9	NA	< 2.1	< 2.0	5.0	NA
	109 JX		Arcadis	3rd	8-hrs	5/8/2017	RAD 145	ND	NA	ND	NA	ND	2.2	NA	< 2.0	< 1.9	21	NA
	111 QK		Arcadis	3rd	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	< 1.8	NA	< 2.0	< 1.9	36	NA
	430 JX		Arcadis	All	14-days	5/1/2017 - 5/15/2017	RAD 145	ND	NA	ND	NA	ND	0.28	NA	0.10	0.17	6.9 EJ	NA
	Amb-R-E		Arcadis	All	30-days	5/1/2017 - 5/30/2017	RAD 130	< 0.63	NA	< 0.65	NA	< 0.81	< 0.61	NA	< 0.82	< 0.70	4.5 J	NA
AMB-W	113 JX	West side of facility	Arcadis	1st	8-hrs	5/9/2017	RAD 145	ND	NA	ND	NA	ND	2.8	NA	< 2.2	< 2.0	8.7	NA
	436 JX		Arcadis	1st	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	< 2.0	NA	< 2.2	< 2.0	14	NA
	422 JX		Arcadis	2nd	8-hrs	5/9/2017	RAD 145	ND	NA	ND	NA	ND	3.0	NA	< 2.1	< 2.0	9.1	NA
	102 QK		Arcadis	2nd	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	< 1.9	NA	< 2.1	< 2.0	4.1	NA
	112 JX		Arcadis	3rd	8-hrs	5/8/2017	RAD 145	ND	NA	ND	NA	NA	3.2	NA	< 2.0	< 1.9	8.8	NA
	110 QK		Arcadis	3rd	8-hrs	5/16/2017	RAD 145	ND	NA	ND	NA	ND	< 1.8	NA	< 2.0	< 1.9	15	NA
	429 JX		Arcadis	All	14-days	5/1/2017 - 5/15/2017	RAD 130	< 1.3	NA	< 1.3	NA	< 1.7	< 1.2	NA	< 1.7	< 1.4	< 1.3	NA
	Amb-R-W		Arcadis	All	30-days	5/1/2017 - 5/30/2017	RAD 130	< 0.63	NA	< 0.65	NA	< 0.81	< 0.60	NA	< 0.82	< 0.70	< 0.65	NA
AMB-SE	Amb-1-BC	Southeast side of the facility	Arcadis	All	24-hrs	6/26/2017	RAD 130	< 0.80	< 3.2 UJ	< 0.99 UJ	< 2.1 UJ	< 0.94 UJ	< 3.1	NA	< 1.0	< 0.90	< 0.84	< 2.7 UJ

Notes:

Table 1a
Summary of Ambient Air Analytical Results Associated with Indoor Air
Grenada Manufacturing
Grenada, Mississippi

ARCADIS Design & Consultancy for natural and built assets

Sample Details								Constituent (µg/m³)										
Sample Location ID	Sample ID	Sample Location	Consultant	Worker Shift	Sample Duration‡	Sample Dates	Analysis	1,2-DCA	1,1-DCE	cis-1,2-DCE	trans-1,2-DCE	1,1,2-TCA	Benzene	Methylene Chloride	PCE	TCE	Toluene	Vinyl Chloride

‡ Sample duration is approximate.
* Laboratory inadvertently prepared samples for RAD 130 analysis.
** Samples 105 QK and 109 QK were inadvertently switched.
₹ Samples collected May 2017 at B-4, B-6 and B-9 follow Program A sampling
₹₹ Samples collected May 2017 at A-5, B-3 and B-8 follow Program C sampling

Abbreviations:

µg/m³	micrograms per cubic meter.
DCA	Dichloroethane.
DCE	Dichloroethene.
C	Estimated concentration due to calculated sampling rate.
E	The compound was quantitated above the calibration range.
J	The compound was positively identified; however, the associated numerical value is an estimated concentration only.
(J)	The compound was positively identified; however, the associated numerical value is an estimated concentration only because the reported concentrations are greater than the instrument calibration range.
NA	Not available by Method Radiello 130 Solvent Panel Scan and/or Method Radiello 145 Thermal Desorption.
ND	Not detected by Method Radiello 145 Thermal Desorption. Due to unpublished uptake rates for the compound the quantitation limit cannot be identified.
NU	Detected by Method Radiello 145 Thermal Desorption. Due to unpublished uptake rates for the compound the quantitation limit cannot be identified.
PCE	Tetrachloroethene.
RAD 130	Samples collected in Radiello 130 passive samples and analyzed by solvent panel scan by gas chromatography/mass spectrometry.
RAD 145	Samples collected in Radiello 145 passive samples and analyzed by thermal desorption scan by gas chromatography/mass spectrometry.
TCA	Trichloroethane.
TCE	Trichloroethene.
TO-15	TO-15 samples collected in 6-liter summa canisters and analyzed by modified U.S. Environmental Protection Agency Method TO-15 gas chromatography/mass spectrometry.
UJ	The compound was not detected above the reported sample quantitation limit. However, the reported limit is approximate and may or may not represent the actual limit of quantitation.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI GREENVILLE DIVISION

BRENDA J. COOPER, ET AL, **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-052 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- Consolidated With -

JOE E. SLEDGE, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-053 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and -

KATHERINE LONGSTREET COOKE, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-054 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and -

SRA INVESTMENTS, LLC., ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16cv-055 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and –

FELICIA WILLIS, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16cv-056 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

MEMORANDUM IN SUPPORT OF MOTION TO QUASH

The United States Environmental Protection Agency (EPA) hereby moves this Court to Quash Subpoenas, Document Nos. 264, 265 and 266. On or about July 25, 2017, Attorney Marquette Wolf (hereinafter referred to as Attorney Wolf) served subpoenas on the EPA to depose three EPA Region 4 employees – Brian Bastek ("Bastek"), Meredith Anderson

("Anderson"), and Ben Bentkowski ("Bentkowski"), in the above referenced litigation. Inasmuch as the EPA is not a party to the lawsuit and the information Attorney Wolf seeks from the above named EPA employees can be obtained through other means, the EPA respectfully requests that the Court quash the Subpoenas docketed as Document Nos. 264, 265 and 266.

BACKGROUND

The Grenada Manufacturing facility was constructed in 1961 and sold to several companies over the years, including what are now Meritor, Inc., and Textron, Inc., current defendants in the above-referenced litigation. Though currently operating as a metal stamping facility, the facility historically operated as a chrome plating and wheel cover manufacturing facility. These operations over time released trichloroethylene (TCE) and other hazardous substances to soil, sediment and groundwater at and surrounding the facility.

The EPA, along with the Mississippi Department of Environmental Quality (MDEQ), has overseen investigation and cleanup activities at the facility since the late 1980s. The EPA has primarily overseen the Resource Conservation and Recovery Act (RCRA) Hazardous and Solid Waste Amendments (HSWA) permit issued to the facility in 1998, while MDEQ has primarily overseen the cleanup of a former disposal area east of the facility along Moose Lodge Road.

As a part of the RCRA HSWA permit process, multiple solid waste management units (SWMUs) and areas of concern (AOCs) were identified in 1996 and 1997 for investigation. Of the 26 SWMUs identified, 18 were investigated, determined to show no evidence of a release, and required no further action. Additional investigation continued and, in 2003, the EPA approved a corrective measures study to address the groundwater contamination and remaining SWMUs and AOCs at the facility. These corrective measures included closure of a former

sludge lagoon, installation of a permeable reactive barrier (PRB) along Riverdale Creek, which flows along the western border of the facility, to treat groundwater contamination before reaching the Creek, and implementation of select institutional controls.

In recent years, the PRB has not been effective in addressing groundwater contamination, ultimately resulting in discharges of TCE and other facility-related contaminants to nearby Riverdale Creek. As a result of these ongoing discharges, MDEQ issued a "Contact Advisory" for a segment of the Creek and the EPA directed the facility to take corrective measures to restore the PRB to its original intent or develop alternative measures to control the groundwater discharges. The EPA also directed the facility to further investigate and implement active treatment measures at source areas of TCE closer to the facility's main plant building. Additional delineation of these source areas remains ongoing to provide data necessary to implement the appropriate treatment.

In September 2015, a vapor intrusion (VI) study (indoor, sub-slab, and ambient air sampling) was initiated in the Eastern Heights neighborhood, a residential community directly north of the facility. The goal of this study was to evaluate whether contaminated groundwater which had been identified under the neighborhood was impacting residents. After several rounds of VI sampling, in a total of 23 homes, the results indicated that there was not a complete vapor intrusion pathway in the homes sampled and no immediate threat to public health in the Eastern Heights neighborhood due to the contaminated groundwater. Ambient outdoor air data was also collected as a part of the VI study, ultimately indicating that there may be a nearby source causing low levels of TCE in the ambient air. Further efforts are ongoing to identify the potential source of this TCE in the ambient air, as well as the source(s) of the groundwater contamination under the neighborhood.

In October 2016, a separate VI study was conducted at the main plant building of the facility, a follow up to prior rounds of VI sampling in the same building, due to a new, lower screening value being used by the EPA for TCE. The initial sampling results indicated TCE was above action levels in indoor air for the worker population. As a result, the EPA instructed the facility to begin interim measures in January 2017 to lower levels of TCE in the indoor air and mitigate exposure to employees. To date, the facility has implemented several interim mitigation efforts (i.e., installation of temporary fans, modification and use of existing exhaust fans and HVAC adjustments) in order to promote increased air exchange and reduce indoor air TCE levels. After additional sampling in January 2017, the EPA determined that additional measures are still needed to address the indoor air issues. The facility is now installing a long-term, sub-slab depressurization system to address the indoor air contamination, which is scheduled to be completed in mid-August 2017.

The EPA continues to work with the facility to address both on-site and off-site contamination, including continuing to monitor residences in the Eastern Heights neighborhood for VI and other related environmental concerns, where necessary. The EPA also continues to evaluate the current and long-term effectiveness of the PRB and whether alternative measures to prevent migration of contaminants into Riverdale Creek are necessary. In addition to cleanup efforts, the EPA has maintained an active community outreach program for the Eastern Heights neighborhood, surrounding community, and facility employees.

The three subpoenaed EPA employees have served in varied roles at the Agency related to the facility and in different timeframes. Mr. Bastek is the current RCRA project manager for the facility and has served in this capacity since March 2015. Ms. Anderson was previously the RCRA project manager for the facility from 2010 until early 2015, and subsequently served as

Mr. Bastek's first-line supervisor until she was detailed to another office within EPA Region 4 beginning on July 10, 2017. Mr. Bentkowski is a hydrologist and has provided technical support to the Resource Conservation and Restoration Division related to the facility since April 2015. In these varied roles, the employees have offered input, along with that of their EPA colleagues, to the ultimate decision-makers within EPA management regarding the EPA's oversight and activities at the facility. Each of these three employees carry heavy workloads, overseeing and working on multiple EPA sites and projects in their official capacities.

LEGAL STANDARDS
(EPA *Touhy* Regulations)

Federal regulations govern the EPA's response to subpoenas for testimony in litigation where the United States Government is not a party. Pursuant to 40 C.F.R. Part 2, Subpart C, EPA employees are prohibited from testifying about information acquired in the course of performing their official duties or because of the employee's official relationship with the EPA, unless authorized by the General Counsel or his/her designee. 40 C.F.R. § 2.402(b). The validity of such federal regulations restricting the testimony of federal employees, commonly referred to as *Touhy* regulations, has been upheld by the United States Supreme Court. *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

The purpose of these regulations is to: (1) ensure that employees' official time is used only for official purposes; (2) maintain the impartiality of the EPA among private litigants; (3) ensure that public funds are not used for private purposes; and (4) establish procedures for approving testimony or production of documents when clearly in the interests of the EPA. 40 C.F.R. § 2.401(c). The General Counsel, through his/her designee, may approve employee testimony only where it is determined that providing such testimony would be clearly in the interests of the EPA. 40 C.F.R. §§ 2.401 through 2.405.

Determining whether testimony is "clearly in the interests of EPA" is necessarily fact-based. The nature of the underlying litigation and requested testimony must be weighed against the purpose of the regulations and the Agency's strong interest in preserving limited Agency resources, maintaining appropriate control of its workforce and fulfilling its statutory obligations. This is especially true for EPA Region 4, which generates countless records and is involved in numerous matters that make their way into private litigation.

ARGUMENT

The litigation in this case is a consolidation of several tort actions filed by local landowners, including residents of the Eastern Heights neighborhood, alleging property damages from the historical release and/or migration of hazardous substances from the facility. Although the subpoenas do not state with any specificity the nature of the testimony sought, Attorney Wolf's June 15, 2017, email and July 25, 2017, letter stated that, "[w]hile these depositions are not critical to the Plaintiffs [sic] cases, we believe that they would be informative, from a factual and technical perspective to help the trier of fact understand what has, or in many cases has not happened in the area around the Grenada Manufacturing facility." **See Exhibits 1 and 2.** He further stated that, "[t]hese depositions would allow us to examine what the decision making process at EPA has been since the 1990s" and "uncover what information was discovered and considered by the EPA during various time periods as compared to what information was discoverable by the EPA (yet not actually discovered or considered) or that should have been self-reported by the operators of the facility." **Id.** He also specifically inquired whether an EPA response was undertaken to address and track the spread of an unleaded gasoline spill from underground storage tanks located at the facility.

First, taking into account that these depositions "are not critical to the Plaintiffs cases," EPA finds it very difficult to see how compliance with the subpoenas is an appropriate use of EPA time and resources. Each of these three employees carry heavy workloads, overseeing and working on multiple EPA sites and projects in their official capacities. When weighed against the non-critical and "informative" nature of the testimony sought, complying with the three subpoenas would impose an undue burden on the already-limited resources of the EPA, especially when considering the total amount of official time that would be required. Indeed, the need for this type of testimony is an insufficient basis to compel the EPA, a non-party federal agency with limited resources, to produce its staff for a burdensome deposition. This is especially true given that there are large volumes of publicly-available documents associated with the EPA's oversight of the response activities at the facility since the 1990s (as discussed further below), making any deposition testimony largely cumulative and duplicative.

Second, the information sought through the deposition testimony of the named EPA employees can be obtained from EPA records or other publicly-available means. The EPA documents its decisions at the facility through reports and records that are generally prepared by the facility with EPA oversight and approval and often subject to public comment. These records are available to the public through Freedom of Information Act (FOIA) requests, some of which have already been provided to Attorney Wolf pursuant to the three FOIA requests processed by EPA Region 4's FOIA office on his behalf since 2015. Further, the EPA has established a website, available at www.epa.gov/grenadacleanup, to provide the Grenada community, including residents of the Eastern Heights neighborhood, important updates regarding all investigation and cleanup actions related to the facility and access to key documents and correspondence regarding the cleanup and the EPA's interactions with the facility. Given the

availability of these facility records and no explanation as to why these records are insufficient, compliance with the subpoenas would again impose an undue burden on the EPA. The EPA should not be required to undertake the substantial burden of producing witnesses—three employees in this case—to provide information that is already available through less burdensome means. ***See* 40 C.F.R. § 2.406**.

Third, a number of the topics on which Attorney Wolf seeks to depose the EPA employees unjustifiably risks disclosure of the EPA's internal deliberations, attorney-client privileged communications, and attorney work product about existing and future RCRA compliance decisions, and potential enforcement activities. As such, the significant risk of disclosure of the EPA's internal and enforcement-related deliberations during the deposition far outweighs the benefit of any non-privileged information that would be provided.

Fourth, the testimony sought primarily focuses on the decision-making processes of the EPA related to the facility, the majority of which date back to the 1990s and early 2000s. As referenced in the background information, the earliest that any of the three employees worked on EPA activities at the facility is 2010. Apart from knowledge gained from reading and reviewing pre-2010 reports and related EPA and MDEQ records for the facility, these employees have no special knowledge of EPA activities prior to 2010, including any knowledge of EPA evaluations of or responses to unleaded gasoline spills from underground storage tanks located at the facility. In addition, the employees are not the ultimate decision-makers for all activities overseen and/or undertaken at the facility. Agency decision-making includes necessary layers of review with EPA management and does not rest solely with EPA first-line staff. Given that these three employees could only offer testimony on activities that occurred during a limited portion of the

EPA's activities at the facility and Agency decision-making does not ultimately rest with them, EPA contends that compliance with the subpoenas are inappropriate in this case.

Lastly, and more directly underlying to the purposes of the EPA regulations, the subpoenas impose an undue burden upon the EPA by requiring public funds—in the form of the employees' official time—to be spent for private purposes. To interject the United States into private party litigation of this type would set a precedent for the EPA that would undoubtedly lead to numerous similar requests and interfere with the official duties of EPA personnel, which, as a matter of course, do not include testifying in private lawsuits to which the United States is not a party. Additionally, providing EPA testimony in this proceeding could undermine the EPA's efforts to maintain impartiality among the private litigants who are involved in this case. *See* 40 C.F.R. § 2.401(c).

CONCLUSION

For the foregoing reasons EPA respectfully requests that the Court quash the Subpoenas (Documents Nos. 264, 265 and 266).

DATED: August 7, 2017.

Respectfully submitted,

ROBERT H. NORMAN
Acting United States Attorney

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CERTIFICATE OF SERVICE

I, FELEICA L. WILSON, Assistant United States Attorney for the Northern District of Mississippi, hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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This the 7th day of August, 2017.

/s/ Feleica L. Wilson
FELEICA L. WILSON
Assistant United States Attorney

Freedom of Information Act
Response Routing Slip

Name	Title	Date	Initial
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Andrea Hines	Lead GIS		
Andrea Hines	Section Chief		
Priscilla Johnson	FOIA Paralegal	n/a	n/a
Attorney	Attorney	n/a	n/a
Keith Mills	Branch Chief		
Vickie Tellis	ARA/DARA		

Please return to Gayla Mendez, ext 8676.

Comment:

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

BRENDA J. COOPER, et al. PLAINTIFFS

versus Civil Action No. 4:16-cv-052-DMB-JMV

MERITOR, INC., et al. DEFENDANTS

- Consolidated With -

JOE E. SLEDGE, et al. PLAINTIFFS

versus Civil Action No. 4:16-cv-053-DMB-JMV

MERITOR, INC., et al. DEFENDANTS

-and-

KATHERINE LONGSTREET COOKE, et al. PLAINTIFFS

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-and-

FELICIA WILLIS, et al. PLAINTIFFS

versus Civil Action No. 4:16-cv-056-DMB-JMV

MERITOR, INC., et al. DEFENDANTS

PLAINTIFFS' MEMORANDUM IN OPPOSITION TO MOTION TO QUASH

COME NOW Plaintiffs in the consolidated cases and submit this Memorandum in Opposition to the Motion to Quash (Doc. 269, *Brenda J. Cooper, et al.*) filed by the United States Environmental Protection Agency ("EPA") in response to subpoenas (Docs. 264, 265, and 266) served by Plaintiffs on three EPA employees - Brian Bastek, Meredith Anderson, and Ben Bentkowski.

I. Basis for Issuance of Subpoenas

These consolidated actions involve tort claims for environmental contamination filed by approximately fifty (50) homeowners who own property and/or live in Eastern Heights, the neighborhood lying to the north of the Grenada Manufacturing facility. As demonstrated by the EPA's Memorandum in Support of its Motion to Quash, "since the late 1980s" the EPA has known that "operations [at the facility] ... released trichloroethylene (TCE) and other hazardous substances to soil, sediment and groundwater at and surrounding the facility." *Doc. 269*, p. 2. Since at least 1998, the EPA has primarily overseen the Resource Conservation and Recovery Act (RCRA) Hazardous and Solid Waste Amendments (HSWA) permit issued to the facility, while the Mississippi Department of Environmental Quality ("MDEQ") has primarily overseen the purported cleanup of disposal areas east of the facility along Moose Lodge Road. *Id.* The EPA does not dispute that "contaminated groundwater ... [is] under the neighborhood" and that TCE is in the"[a]mbient outdoor air" of the neighborhood. *Id.* at 3.

Now in the fourth decade after the government's discovery of this contamination by the facility, Plaintiffs question the lack of remedial action at the facility, including why contamination was allowed to migrate from the facility to their neighborhood. Further, as long as

the facility remains contaminated, then the facility remains as a source site for contamination into the neighborhood.

These questions are not address in the numerous EPA fact sheets and other EPA documents issued since the early 1990's. Nor do these documents address the methodology, if any, which the EPA utilized in reaching its conclusions. Yet, without an opportunity to date to test the EPA's methodology, parties opposite continually confront Plaintiff's and their experts in this litigation with questions premised upon what the EPA has or has not found relative to the facility or the neighborhood.

Therefore, Plaintiffs desire testimony from the aforementioned EPA employees on issues such as:

a. The EPA's decision-making process since the late 1980s, when the EPA became cognizant of contamination at the facility or in surrounding areas;

b. The EPA's thought process which allowed contamination at the facility to exist, and even increase in concentration;

c. The efficacy, or lack thereof, of remedial measures which have not halted the spread of contamination into the Eastern Height neighborhood;

d. The information upon which EPA has relied in its decision-making process with information, as compared to information which former facility operators apparently knew but failed to disclose;

e. Identification and examination of the specific methodology utilized by the EPA in arriving at its decisions, determinations and pronouncements in various EPA fact sheets and other EPA documents relating to the facility and the neighborhood; and

f. The reliability of data upon which the EPA based its decisions, including the extent to which the EPA based decisions on data it independently obtained versus data provided to it by former facility operators.

The EPA's responses to such questions will likely constitute evidence probative of the issues relevant in these actions. Certainly, such responses would inform the work and opinions of the parties' respective environmental experts. The EPA's responses would also disclose whether the EPA is planning any future remedial action, a factor relevant to the diminution-in-value opinions of the parties' expert appraisers under Advisory Opinion No. 9, *Uniform Standards of Professional Appraisal Practice.* Thus, Plaintiffs had good cause to issue and serve subpoenas for testimony by EPA employees.

II. Argument and Authority

Pursuant to its *Touhy* regulations (40 C.F.R. Part 2, Subpart C), the EPA moves to quash the subpoenas based on its conclusion that compliance therewith is not "clearly in the interests of the EPA." The EPA supports its Motion to Quash with a number of arguments, including that the testimony sought is not critical to the Plaintiffs' claims; that the EPA's "heavy" workload outweighs Plaintiffs' need for the testimony; that providing employees to testify presents an undue burden; and that the testimony risks disclosure of the EPA's internal and/or privileged communications and work-product. Although the EPA also raises the concern that public funds (*i.e.*, the time spent by its employees giving testimony) would be spent for private purposes, that concern may be allayed by a simple agreement to compensate the government for its employees' time.

Plaintiffs cannot dispute the validity of the EPA's *Touhy* regulations or the authority of the EPA to promulgate the same. *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951). Further, to successfully rebut the Motion to Quash, Plaintiffs bear the near-impossible burden of demonstrating that the EPA's *Touhy*-driven conclusion is arbitrary and capricious. *Bobreski v. U.S. E.P.A.*, 284 F.Supp.2d 67, 73 (D. D.C. 2003); *see also, Louisiana Dp't of Transportation & Dev. v. United States Dep't of Transportation*, 2015 WL 7313876, at *3-4 (W.D. La. Nov. 20, 2015) (enunciating standard as "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law"). Although Plaintiffs disagree with the EPA's decision in response to the subpoenas, the EPA's decision appears to be, at a minimum, based on its consideration of the relevant *Touhy* factors. *Bobreski*, 284 F.Supp. 2 at 74 (agency's consideration of "relevant factors" as a component of "arbitrary and capricious" judicial review).

The testimony of EPA employees may not be "critical" to Plaintiffs' claims, but it will nonetheless be highly beneficial in this litigation where the EPA's rationale is not apparent or clearly-documented and where EPA actions, pronouncements, and possible future remediation plans, if any, so clearly intersect with the opinions to be expressed by the parties' respective expert witnesses. So long as the parties and witnesses in these cases may be question premised on the EPA's actions or inactions, then the EPA's methodology, the reliability of its data, etc. merit inquiry.

One factor that should be, but is not, incorporated into the *Touhy* factors is transparency in government. That concept, transparency, supports Plaintiffs' issuance of the subpoenas, and standing alone, render the EPA's compliance with the subpoenas as an act in its "clear interests."

Therefore, in addition to uncovering probative evidence, depositions by EPA employees

will put to rest the question whether the EPA's conclusions, decisions and actions regarding the facility and neighborhood have been scientifically sound. Without such depositions, the Plaintiffs will continue to harbor doubts regarding the trustworthiness of their government's acts and omissions relating to contamination at the facility which has migrated into their neighborhood.

III. Conclusion

For the above-stated reasons, Plaintiffs' respectfully submit that the EPA's Motion to Quash is not well-taken and should be denied.

Respectfully submitted this the 9th day of August, 2017.

On behalf of Plaintiffs:

By: /s/ William Liston III

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Attorneys for Plaintiffs

Certificate of Service

I, William Liston III, do hereby certify that I have this day caused to be served the above and foregoing document by filing of the same upon the CM/ECF system of the Court and by electronic service of the same upon the following counsel of record and the Honorable Feleica L. Wilson, Assistant United States Attorney:

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So certified this the 9th day of August, 2017.

/s/ William Liston III
William Liston II

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI GREENVILLE DIVISION

BRENDA J. COOPER, ET AL, **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-052 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- Consolidated With -

JOE E. SLEDGE, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-053 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and -

KATHERINE LONGSTREET COOKE, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-054 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and -

SRA INVESTMENTS, LLC., ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16cv-055 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and –

FELICIA WILLIS, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16cv-056 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

REBUTTAL TO PLAINTIFFS' RESPONSE TO EPA'S MOTION TO QUASH

COMES NOW, the United States Environmental Protection Agency (EPA) and files this its Rebuttal to Plaintiffs' Response to EPA's Motion to Quash and states as follows herewith.

In Plaintiffs' Memorandum in Opposition to Motion to Quash, the Plaintiffs accurately state that they carry the burden of rebutting the EPA's Motion to Quash by proving that the

Agency's determination is arbitrary and capricious. *See* Doc. 272 at 5. However, the Plaintiffs fail to offer any significant basis as to why the EPA's determination is arbitrary and capricious, even conceding that the EPA's determination "appears to be, at a minimum, based on [the Agency's] consideration of the relevant *Touhy* factors." *See* Doc. 272 at 5; *see also* 5 U.S.C. § 706; *Citizens to Protect Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1971) (The arbitrary and capricious standard "is a narrow one," under which the Court is not "to substitute its judgment for that of the agency."); *Davis Enters. v. U.S. Envtl. Protection Agency*, 877 F.2d 1181, 1186 (3d Cir. 1989) (a court "[is] only free to determine whether the agency followed its own guidelines or committed a clear error of judgment.") (citation omitted). Instead, the Plaintiffs argue that though not "critical" to their claim, the testimony sought would be "highly beneficial," and that the concept of "transparency in government" should render the Agency's compliance as "clearly in the interests of the EPA."

As stated in the EPA's Motion to Quash, EPA employees are prohibited from testifying about information acquired in the course of performing their official duties or because of the employee's official relationship with the EPA, unless such testimony has been determined to be clearly in the interests of the EPA. 40 C.F.R. §§ 2.401 through 2.405. As acknowledged by the Plaintiffs themselves, there is no dispute regarding "the validity of the EPA's *Touhy* regulations or the authority of the EPA to promulgate the same." *See United States ex rel. Touhy v. Ragen, 340 U.S. 462 (1951).*

The intent of the regulations is to preserve limited Agency resources and Agency control over those resources, maintain the impartiality of the Agency in purely private suits, and lessen the Agency's administrative burden by establishing a standard to process requests and subpoenas for testimony. The EPA does not dispute that transparency is a vital component of effective

government. Indeed, there are large volumes of publicly-available documents associated with the EPA's oversight of the response activities at the facility already available to the Plaintiffs, making any deposition testimony largely cumulative and duplicative. These records are available through Freedom of Information Act (FOIA) requests, some of which have already been provided to the Plaintiffs pursuant to the three FOIA requests processed by EPA Region 4's FOIA office on their behalf since 2015. However, when weighing the intent of the regulations and the Agency's strong interest in preserving limited Agency resources and fulfilling its statutory obligations against the non-critical and "informative" nature of the testimony sought, even when viewed as "highly beneficial" to the Plaintiffs, compliance with the subpoenas is not clearly in the interest of the EPA and a determination by the Agency of such is not arbitrary and capricious.

It should be noted that, to the best of the EPA's knowledge, the Plaintiffs have not appealed any prior response or production of records by the Agency in response to the Plaintiffs' prior FOIA requests. *See* 40 C.F.R. § 2.104(j). In addition, there is nothing precluding Plaintiffs from submitting further FOIA requests to request the additional information they seek from the Agency at this time.

Each of the three subpoenaed employees carry heavy workloads, overseeing and working on multiple EPA sites and projects in their official capacities. EPA Region 4 as a whole oversees an extremely heavy docket of sites undergoing various forms of environmental response activities, and given the nature of contaminated sites and numerous types of legal issues potentially involved, a significant number of these sites often produce private party litigation. If the Court grants the Plaintiffs' subpoenas, it is possible, if not very likely, that other parties in similar private litigation will follow suit in demanding "informative" depositions of EPA

employees, exposing the EPA to depositions by multiple private parties, with attendant cross and re-direct examinations. The cumulative effect would overwhelm the EPA's resources and distract from its mission of ensuring compliance with federal environmental laws, including the Resource Conservation and Recovery Act (RCRA) in this case. *See Moore v. Armour Pharm. Co.*, 927 F.2d 1194, 1198 (11th Cir. 1991) (finding that the potential cumulative impact of repeated requests for testimony justified upholding a decision to quash a subpoena under Rule 45); *Davis*, 877 F.2d at 1187 ("[EPA's] concern about the effects of proliferation of testimony by its employees is within the penumbra of reasonable judgmental decisions it may make."); *Boron Oil Co. v. Downie*, 873 F.2d 67, 70 (4th Cir. 1989). Thus, the need for the type of testimony requested by the Plaintiffs is an insufficient basis to compel the EPA, a non-party federal agency with limited resources, to produce its staff for a burdensome deposition.

The Plaintiffs' Memorandum in Opposition to the United States' Motion to Quash makes it clear that the testimony sought from the subpoenaed EPA employees strikes directly at the heart of the EPA's decision-making process, much of which is protected from non-disclosure by virtue of being attorney-client privileged communications, attorney work product, and/or internal enforcement-related deliberations. *See generally* 5 U.S.C. § 552(b)(5) and (b)(7); Fed. R. Civ. P. 26(b)(1). Further, to the extent the testimony sought aims to assess the adequacy and effectiveness, or lack thereof, of the Agency's decision-making process at the facility, the EPA suggests to the Court that this is an inappropriate forum for doing so. The EPA is not a party to the lawsuit and the adequacy of the Agency's decision-making is not an element of the Plaintiffs' claim(s) in the underlying litigation. This underscores the EPA's argument, as explained in the EPA's Motion to Quash, that the risk of disclosure of these privileged communications during depositions outweighs the benefit of any non-privileged information that might be provided.

Thus, when weighing the intent of the regulations and the Agency's strong interest in preserving limited Agency resources, fulfilling its statutory obligations, and protecting privileged information from disclosure against the non-critical and "informative" nature of the testimony sought, even when viewed as "highly beneficial" to the Plaintiffs, compliance with the subpoenas is not clearly in the interest of the EPA and a determination by the Agency of such is not arbitrary and capricious.

Based on the arguments previously made in the EPA's Motion to Quash, and the EPA's arguments and discussion summarized above, the EPA again respectfully requests that the Court quash the subpoenas docketed as Document Nos. 264, 265, and 266.

Respectfully submitted,

ROBERT H. NORMAN
Acting United States Attorney

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CERTIFICATE OF SERVICE

I, FELEICA L. WILSON, Assistant United States Attorney for the Northern District of Mississippi, hereby certify that I have electronically filed the foregoing Rebuttal to Plaintiff's Response to EPA's Motion to Quash with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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This the 11th day of August, 2017.

/s/ Felecica L. Wilson
FELECA L. WILSON
Assistant United States Attorney

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

BRENDA J. COOPER, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-52-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

- Consolidated With –

JOE E. SLEDGE, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-53-DMB- JMV
MERITOR, INC., ET AL. — DEFENDANTS

- and -

KATHERINE LONGSTREET COOKE, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-54-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

- and -

SRA INVESTMENTS, LLC, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-55-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

- and -

FELICIA WILLIS, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-56-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

ORDER

This matter is before the court in these consolidated cases on the Environmental Protection Agency's ("EPA") motion to quash three deposition subpoenas issued by the plaintiffs to certain EPA employees. For the reasons discussed by the EPA (a non-party to this action) in its briefing in support of the motion and the reasons discussed below, the motion to quash is GRANTED.

According to plaintiffs and the movant here, the EPA, the issue for the court is whether the EPA's decision that it is not clearly in its interests to permit its employees to testify in response to the aforementioned subpoenas is arbitrary and capricious.[1]

A decision is arbitrary and capricious where it has no substantial relationship to a legitimate government interest. *See Greene v. Texas Comm'n For The Blind*, No. 95-20081, 1995 WL 783377, at *1 (5th Cir. Dec. 6, 1995). The standard is highly deferential to the governmental agency. *Bobreski v.U.S. E.P.A.*, 284 F. Supp. 2d 67, 73 (D. D.C. 2003); *see also, Louisiana Dep't of Transportation & Dev. v. United States Dep't of Transportation*, 2015 WL 7313876, at *3-4 (W.D. La. Nov. 20, 2015).

In the instant case, the plaintiffs themselves note that the EPA's decision not to permit its employees to testify as subpoenaed is based on the relevant *Touhy*[2] factors and further that that consideration alone supports the decision's lack of arbitrariness or capriciousness. In short, though the plaintiffs explain that they desire to take the EPA employees' depositions primarily (as appears from the briefing) to discover the deliberative processes employed by the EPA in its decision-making so that they can stop "harbor[ing] doubts regarding the trustworthiness of the[] government's acts" the movants have wholly failed to establish either that the reasons articulated by the EPA in opposition are arbitrary or capricious or that the areas of inquiry generally described by them, are even relevant and necessary to any claim they have asserted in this case.

[1] Because plaintiffs and the EPA all assert the same applicable legal standard, the court will adopt the same without undertaking an independent legal review

[2] *See United States ex rel. Touhy v. Ragen*, 340 U.S. 462, 467-69 (1951).

In conclusion, while this court will not rubberstamp an agency determination that its employees may not testify in a case such as this, the party seeking such testimony must, at a minimum, clearly and with specificity identify the areas of inquiry; explain why the information sought is not otherwise and/or already available to it; to the extent the information sought is other than factual (such as questions about deliberative processes), be prepared to explain why such information is discoverable in the face of asserted privilege or other protective claims; and articulate a basis for concluding that the decision of the agency not to permit the deposition(s) is arbitrary and capricious when examined in light of the established relevant factors to be considered.

ORDERED this the 14th day of August, 2017.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE

ARCADIS Design & Consultancy for natural and built assets

Grenada Manufacturing

DATA REVIEW

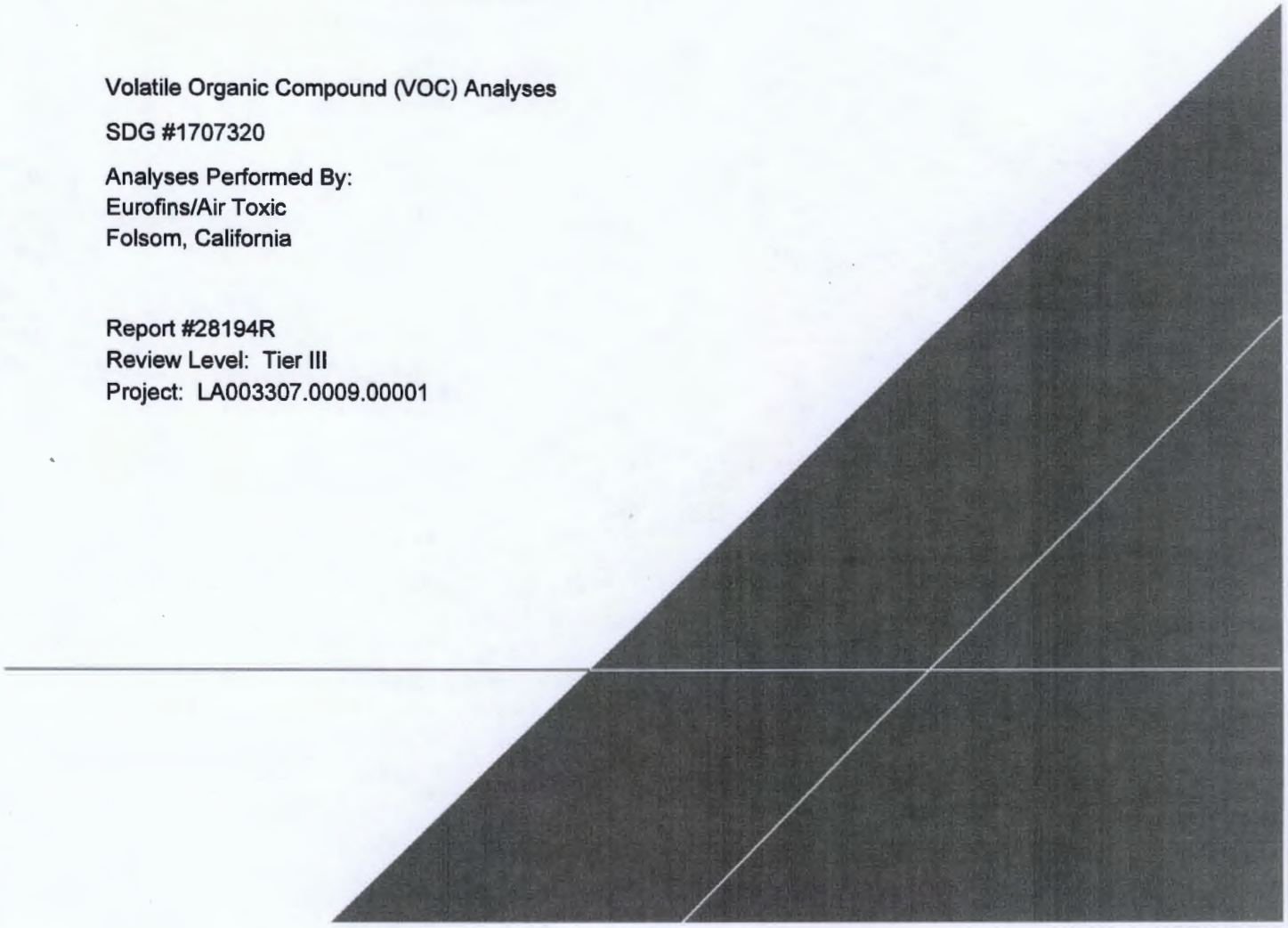
Grenada, Mississippi

Volatile Organic Compound (VOC) Analyses

SDG #1707320

Analyses Performed By:
Eurofins/Air Toxic
Folsom, California

Report #28194R
Review Level: Tier III
Project: LA003307.0009.00001



SUMMARY

This data quality assessment summarizes the review of Sample Delivery Group (SDG) #1707320 for samples collected in association with the Grenada Manufacturing site, located in Grenada, Mississippi. The review was conducted as a Tier III evaluation and included review of data package completeness. Only analytical data associated with constituents of concern were reviewed for this validation. Field documentation was not included in this review. Included with this assessment are the validation annotated sample result sheets, and chain of custody. Analyses were performed on the following samples:

Sample ID	Lab ID	Matrix	Sample Collection Date	Parent Sample	Analysis			
					VOC	SVOC	MET	MISC
R-B-6 (071317)	1707320-01A	Air	7/20/2017		X			
R-B-4 (071317)	1707320-02A	Air	7/20/2017		X			
Dup-2-BC (071317)	1707320-03A	Air	7/20/2017	R-B-4 (071317)	X			
AMB-7D (071317)	1707320-04A	Air	7/20/2017		X			

ANALYTICAL DATA PACKAGE DOCUMENTATION

The table below is the evaluation of the data package completeness.

Items Reviewed	Reported		Performance Acceptable		Not Required
	No	Yes	No	Yes	
1. Sample receipt condition		X		X	
2. Requested analyses and sample results		X		X	
3. Master tracking list		X		X	
4. Methods of analysis		X		X	
5. Reporting limits		X		X	
6. Sample collection date		X		X	
7. Laboratory sample received date		X		X	
8. Sample preservation verification (as applicable)		X		X	
9. Sample preparation/extraction/analysis dates		X		X	
10. Fully executed Chain-of-Custody (COC) form		X		X	
11. Narrative summary of QA or sample problems provided		X		X	
12. Data Package Completeness and Compliance		X		X	

Note:
QA - Quality Assurance

ORGANIC ANALYSIS INTRODUCTION

Samples were collected using Radiello cartidges and analysis was performed using the Solvent Panel Scan method. Data were reviewed in accordance with USEPA National Functional Guidelines of October 1999.

The data review process is an evaluation of data on a technical basis rather than a determination of contract compliance. As such, the standards against which the data are being weighed may differ from those specified in the analytical method. It is assumed that the data package represents the best efforts of the laboratory and had already been subjected to adequate and sufficient quality review prior to submission.

During the review process, laboratory qualified and unqualified data are verified against the supporting documentation. Based on this evaluation, qualifier codes may be added, deleted, or modified by the data reviewer. Results are qualified with the following codes in accordance with USEPA National Functional Guidelines:

- Concentration (C) Qualifiers
  - U The compound was analyzed for but not detected. The associated value is the compound quantitation limit.
  - B The compound has been found in the sample as well as its associated blank, its presence in the sample may be suspect.
- Quantitation (Q) Qualifiers
  - E The compound was quantitated above the calibration range.
  - D Concentration is based on a diluted sample analysis.
- Validation Qualifiers
  - J The compound was positively identified; however, the associated numerical value is an estimated concentration only.
  - UJ The compound was not detected above the reported sample quantitation limit. However, the reported limit is approximate and may or may not represent the actual limit of quantitation.
  - JN The analysis indicates the presence of a compound for which there is presumptive evidence to make a tentative identification. The associated numerical value is an estimated concentration only.
  - UB Compound considered non-detect at the listed value due to associated blank contamination.
  - N The analysis indicates the presence of a compound for which there is presumptive evidence to make a tentative identification.
  - R The sample results are rejected.

Two facts should be noted by all data users. First, the "R" flag means that the associated value is unusable. In other words, due to significant quality control (QC) problems, the analysis is invalid and provides no information as to whether the compound is present or not. "R" values should not appear on data tables because they cannot be relied upon, even as a last resort. The second fact to keep in mind is that no compound concentration, even if it has passed all QC tests, is guaranteed to be accurate. Strict QC serves to increase confidence in data but any value potentially contains error.

VOLATILE ORGANIC COMPOUND (VOC) ANALYSIS

1. Holding Times

The specified holding times for the following methods are presented in the following table.

Method	Matrix	Holding Time	Preservation
Solvent Panel Scan (SOP: IH-AN-Solvent Panel)	Air	60 days from collection to analysis	Cool to <6°C

All samples were analyzed within the specified holding time.

2. Blank Contamination

Quality assurance (QA) blanks (i.e., method and rinse blanks) are prepared to identify any contamination which may have been introduced into the samples during sample preparation or field activity. Method blanks measure laboratory contamination. Rinse blanks measure contamination of samples during field operations.

A blank action level (BAL) of five times the concentration of a detected compound in an associated blank (common laboratory contaminant compounds are calculated at ten times) is calculated for QA blanks containing concentrations greater than the method detection limit (MDL). The BAL is compared to the associated sample results to determine the appropriate qualification of the sample results, if needed.

Compounds were not detected above the MDL in the associated blanks; therefore, detected sample results were not associated with blank contamination.

3. Mass Spectrometer Tuning

Mass spectrometer performance was acceptable and all analyses were performed within a 24-hour tune clock.

System performance and column resolution were acceptable.

4. Calibration

Satisfactory instrument calibration is established to insure that the instrument is capable of producing acceptable quantitative data. An initial calibration demonstrates that the instrument is capable of acceptable performance at the beginning of an experimental sequence. The continuing calibration verifies that the instrument daily performance is satisfactory.

4.1 Initial Calibration

The method specifies percent relative standard deviation (%RSD) and relative response factor (RRF) limits for select compounds only. A technical review of the data applies limits to all compounds with no exceptions.

All target compounds associated with the initial calibration standards must exhibit a %RSD less than the control limit (30%) and an RRF value greater than control limit (0.05).

4.2 Continuing Calibration

All target compounds associated with the continuing calibration standard must exhibit a percent difference (%D) less than the control limit (30%) and RRF value greater than control limit (0.05).

All compounds associated with the calibrations were within the specified control limits.

5. Internal Standard Performance

Internal standard performance criteria insure that the GC/MS sensitivity and response are stable during every sample analysis. The criteria require the internal standard compounds associated with the VOC exhibit area counts are ± 40% of the area counts of the associated continuing calibration standard.

All internal standard responses were within control limits.

6. Laboratory Control Sample/Laboratory Control Sample Duplicate (LCS/LCSD) Analysis

The LCS/LCSD analysis is used to assess the precision and accuracy of the analytical method independent of matrix interferences. The compounds associated with the LCS/LCSD analysis must exhibit a percent recovery within the laboratory-established acceptance limits.

All compounds associated with the LCS/LCSD analysis exhibited recoveries within the control limits.

7. Laboratory Duplicate Analysis

The laboratory duplicate relative percent difference (RPD) criterion is applied when parent and duplicate sample concentrations are greater than or equal to 5 times the RL. A control limit of 25% for air matrices is applied when the criteria above is true. In the instance when the parent and/or duplicate sample concentrations are less than or equal to 5 times the RL, a control limit of two times the RL is applied for air matrices.

Laboratory duplicate analysis was not performed using a sample from this SDG.

8. Field Duplicate Analysis

Field duplicate analysis is used to assess the overall precision of the field sampling procedures and analytical method. A control limit of 50% for air matrices is applied to the RPD between the parent sample and the field duplicate. In the instance when the parent and/or duplicate sample concentrations are less than or equal to 5 times the RL, a control limit of three times the RL is applied for air matrices.

Results for duplicate samples are summarized in the following table.

Sample ID/Duplicate ID	Compound	Sample Result (mg/m^3)	Duplicate Result (mg/m^3)	RPD
R-B-4 (071317)/ Dup-2-BC (071317)	Trichloroethene	11	11	0.0%
	Toluene	3.5	3.2	9.0%
	cis-1,2-Dichloroethene	2.4	2.2	8.7%

Note:

AC Acceptable

The calculated RPDs between the parent sample and field duplicate were acceptable.

9. Compound Identification

Compounds are identified on the GC/MS by using the analytes relative retention time and ion spectra.

All identified compounds met the specified criteria.

10. System Performance and Overall Assessment

The uptake rates were corrected based on average field temperatures if provided. In the absence of field temperatures, the uptake rates determined at 25 deg C were used.

To calculate ug/m3 concentrations in the Lab Blank and in sample Amb-1-BC (062817), a sampling duration of 1601 minutes was applied. The assumed temperature used for the uptake rate is listed on the data page. If the field temperatures were provided, the rate was adjusted in the same manner as the field samples. Associated compounds exhibiting an adjusted rate were flagged by the laboratory as "C" (C = Estimated concentration due to calculated sampling rate.) and were qualified as estimated (J/UJ).

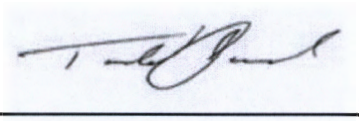
Overall system performance was acceptable. Other than for those deviations specifically mentioned in this review, the overall data quality is within the guidelines specified in the method.

DATA VALIDATION CHECKLIST FOR VOCs

VOCs: Solvent Panel Scan	Reported		Performance Acceptable		Not Required
	No	Yes	No	Yes	
GAS CHROMATOGRAPHY/MASS SPECTROMETRY (GC/MS)					
Tier II Validation					
Holding times		X		X	
Reporting limits (units)		X		X	
Blanks					
A. Method blanks		X		X	
B. Equipment blanks					X
Laboratory Control Sample (LCS) %R		X		X	
Laboratory Control Sample Duplicate (LCSD) %R		X		X	
LCS/LCSD Precision (RPD)		X		X	
Field/Lab Duplicate (RPD)		X		X	
Dilution Factor		X		X	
Tier III Validation					
System performance and column resolution		X		X	
Initial calibration %RSDs		X		X	
Continuing calibration RRFs		X		X	
Continuing calibration %Ds		X		X	
Instrument tune and performance check		X		X	
Ion abundance criteria for each instrument used		X		X	
Internal standard		X		X	
Compound identification and quantitation					
A. Reconstructed ion chromatograms		X		X	
B. Quantitation Reports		X		X	
C. RT of sample compounds within the established RT windows		X		X	
D. Transcription/calculation errors present		X		X	
E. Reporting limits adjusted to reflect sample dilutions		X		X	

%RSD Percent relative difference
%R Percent recovery
RPD Relative percent difference
%D Percent difference

VALIDATION PERFORMED BY: Todd Church

SIGNATURE: 

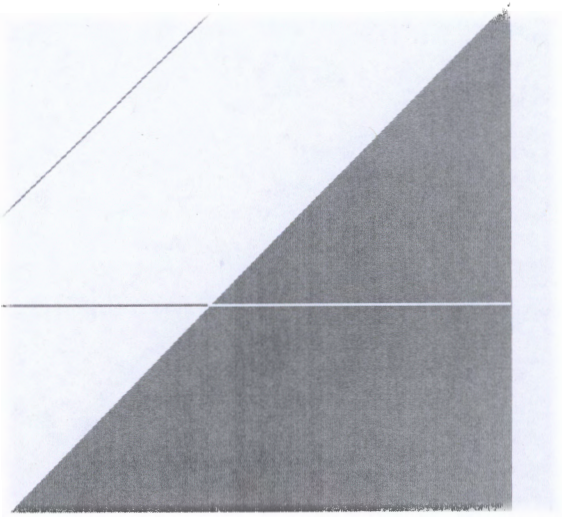
DATE: August 14, 2017

PEER REVIEW: Dennis Capria

DATE: August 15, 2017

CHAIN OF CUSTODY

CORRECTED SAMPLE ANALYSIS DATA SHEETS



PASSIVE SAMPLE COLLECTION

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CHAIN-OF-CUSTODY RECORD

Sample Transportation Notice
Relinquishing signature on this document indicates that sample is being shipped in compliance with all applicable local, State, Federal, national, and international laws, regulations and ordinances of any kind. Eurofins assumes no liability with respect to the collection, handling or shipping of these samples. Relinquishing signature also indicates agreement to hold harmless, defend, and indemnify Eurofins against any claim, demand, or action, of any kind, related to the collection, handling, or shipping of samples. D.O.T. Hotline (800) 467-4922.

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(916) 985-1000 FAX (916) 985-1020

Project Manager SARAH JONKER
Collected by: (Print and Sign) RANDALL WOODRUFF
Company ARCADIS Email SARAH.JONKER@ARCADIS.COM
Address 150 W. MARKET ST STE. 728 City INDIANAPOLIS State IN Zip 46204
Phone 317-231-6500 Fax 317-231-6574

Project Info:
P.O. # LA003307.0009
Project # LA003307.0009
Project Name GRENADA MANUFACTURING

Turn Around Time: [X] Normal [ ] Rush ____ specify

Reporting Units: [ ] ppmv [ ] ppbv [X] µg/m3 [ ] mg/m3

Lab I.D.	Field Sample I.D. (Location)	Sampler #	Date of Deployment (mm/dd/yy)	Time of Deployment (hr:min)	Date of Retrieval (mm/dd/yy)	Time of Retrieval (hr:min)	Air Temperature	Analysis Requested	Indoor Air	Outdoor Air	Workplace Monitoring	Other ( )
01A	R-B-6 (07131 7)	608XP	07/13/17	19:28	07/20/17	17:40		PAGE 3 OF PROJECT LIST	X			
02A	R-B-4 (07131 7)	611XP	07/13/17	19:52	07/20/17	17:43		↓	X			
03A	Dup-2-BC (07131 7)	612XP	07/13/17	19:52	07/20/17	17:43			X			
04A	AMB-7D (07131 7)	605XP	07/13/17	18:50	07/20/17	18:00				X		

Relinquished by: (signature)	Date/Time	Received by: (signature)	Date/Time
[signature]	7-21-17 / 1500	Andrea Augustin EAFL	7/22/17 0915
Relinquished by: (signature)	Date/Time	Received by: (signature)	Date/Time
Relinquished by: (signature)	Date/Time	Received by: (signature)	Date/Time

Notes: SEE LAB PM FOR "PROJECT LIST"

Lab Use Only	Shipper Name	Air Bill #	Temp (°C)	Condition	Custody Seals Intact?	Work Order #
	Fed Ex	7797 0426 6809	NA	Good	Yes No (None)	1707320

S - Saturated peak.
Q - Exceeds quality control limits.
U - Compound analyzed for but not detected above the reporting limit.
UJ- Non-detected compound associated with low bias in the CCV
N - The identification is based on presumptive evidence.
C - Estimated concentration due to calculated sampling rate
CN - See case narrative explanation.

File extensions may have been used on the data analysis sheets and indicates as follows:
a-File was requantified
b-File was quantified by a second column and detector
r1-File was requantified for the purpose of reissue

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Client Sample ID: R-B-6 (071317)

Lab ID#: 1707320-01A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c072509sim**	**Date of Collection: 7/20/17 5:40:00 PM**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/25/17 11:23 AM**	
		Date of Extraction: 7/25/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.13	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	0.53	Not Detected C	Not Detected C	UJ
cis-1,2-Dichloroethene	0.10	0.16	1.2 C	1.9 C	J
trans-1,2-Dichloroethene	0.20	0.33	Not Detected C	Not Detected C	UJ
Benzene	0.40	0.50	Not Detected	Not Detected	
Tetrachloroethene	0.10	0.17	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	0.15	Not Detected C	Not Detected C	UJ
Trichloroethene	0.10	0.14	4.2	6.1	
Toluene	0.10	0.14	1.1	1.5	
Vinyl Chloride	0.40	0.44	Not Detected C	Not Detected C	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 77.0F , duration time = 9972 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	105	70-130

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Client Sample ID: R-B-4 (071317)

Lab ID#: 1707320-02A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c072510sim**	**Date of Collection: 7/20/17 5:43:00 PM**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/25/17 11:47 AM**	
		Date of Extraction: 7/25/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.13	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	0.53	Not Detected C	Not Detected C	UJ
cis-1,2-Dichloroethene	0.10	0.16	1.5 C	2.4 C	J
trans-1,2-Dichloroethene	0.20	0.33	Not Detected C	Not Detected C	UJ
Benzene	0.40	0.50	Not Detected	Not Detected	
Tetrachloroethene	0.10	0.17	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	0.15	Not Detected C	Not Detected C	UJ
Trichloroethene	0.10	0.14	7.8	11	
Toluene	0.10	0.14	2.6	3.5	
Vinyl Chloride	0.40	0.45	Not Detected C	Not Detected C	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 77.0F , duration time = 9951 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	105	70-130

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Client Sample ID: Dup-2-BC (071317)

Lab ID#: 1707320-03A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c072511sim**	**Date of Collection: 7/20/17 5:43:00 PM**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/25/17 12:12 PM**	
		Date of Extraction: 7/25/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.13	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	0.53	Not Detected C	Not Detected C	UJ
cis-1,2-Dichloroethene	0.10	0.16	1.4 C	2.2 C	J
trans-1,2-Dichloroethene	0.20	0.33	Not Detected C	Not Detected C	UJ
Benzene	0.40	0.50	Not Detected	Not Detected	
Tetrachloroethene	0.10	0.17	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	0.15	Not Detected C	Not Detected C	UJ
Trichloroethene	0.10	0.14	7.4	11	
Toluene	0.10	0.14	2.4	3.2	
Vinyl Chloride	0.40	0.45	Not Detected C	Not Detected C	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 77.0F , duration time = 9951 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	104	70-130

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Client Sample ID: AMB-7D (071317)

Lab ID#: 1707320-04A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c072512sim**	**Date of Collection: 7/20/17 6:00:00 PM**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/25/17 12:38 PM**	
		Date of Extraction: 7/25/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.13	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	0.52	Not Detected C	Not Detected C	UJ
cis-1,2-Dichloroethene	0.10	0.16	Not Detected C	Not Detected C	UJ
trans-1,2-Dichloroethene	0.20	0.33	Not Detected C	Not Detected C	UJ
Benzene	0.40	0.50	Not Detected	Not Detected	
Tetrachloroethene	0.10	0.17	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	0.15	Not Detected C	Not Detected C	UJ
Trichloroethene	0.10	0.14	Not Detected	Not Detected	
Toluene	0.10	0.13	0.42	0.57	
Vinyl Chloride	0.40	0.44	Not Detected C	Not Detected C	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 77.0F , duration time = 10030 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	102	70-130

ARCADIS Design & Consultancy for natural and built assets

Grenada Manufacturing

DATA REVIEW

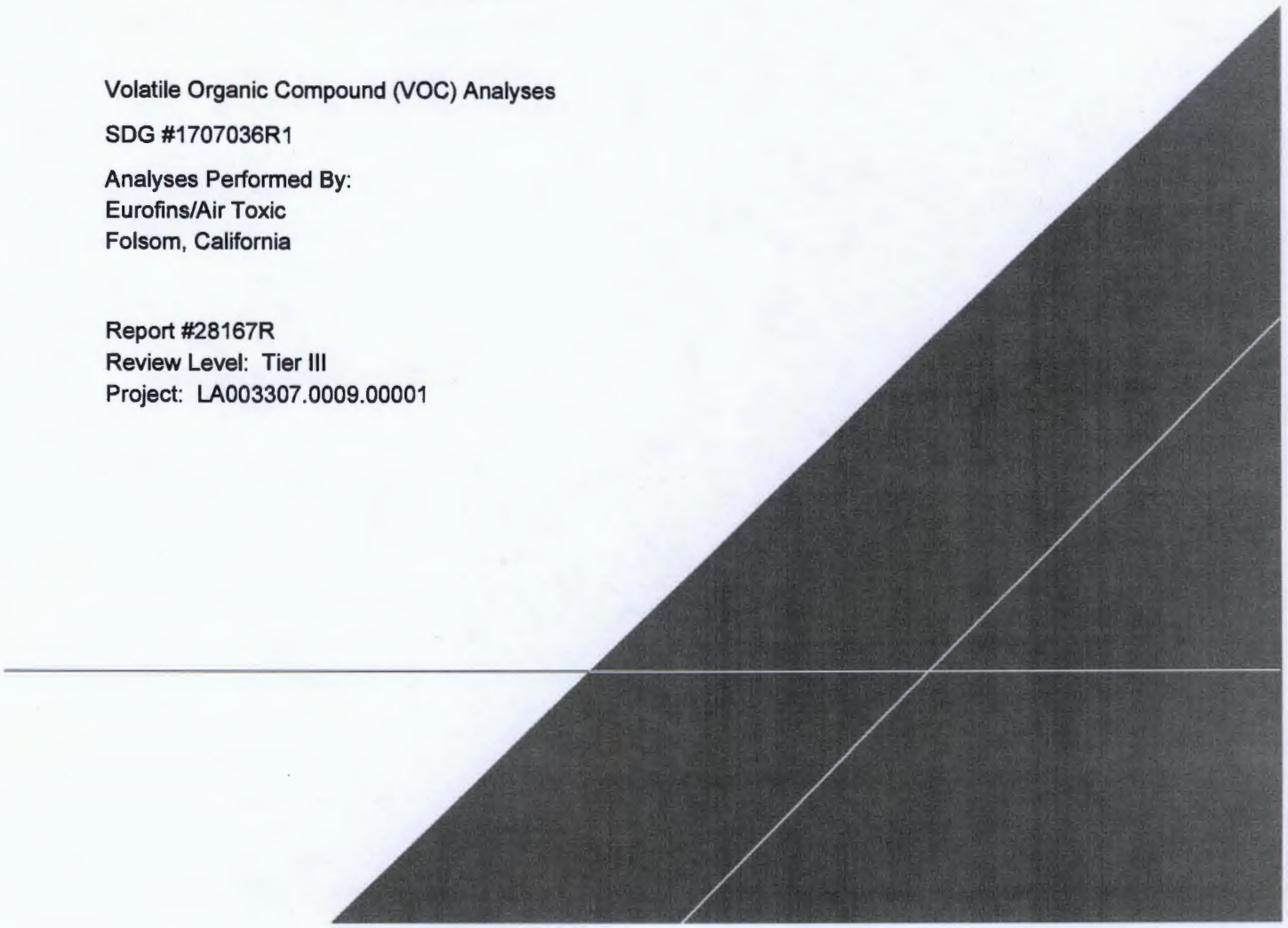
Grenada, Mississippi

Volatile Organic Compound (VOC) Analyses

SDG #1707036R1

Analyses Performed By:
Eurofins/Air Toxic
Folsom, California

Report #28167R
Review Level: Tier III
Project: LA003307.0009.00001



SUMMARY

This data quality assessment summarizes the review of Sample Delivery Group (SDG) #1707036R1 for samples collected in association with the Grenada Manufacturing site, located in Grenada, Mississippi. The review was conducted as a Tier III evaluation and included review of data package completeness. Only analytical data associated with constituents of concern were reviewed for this validation. Field documentation was not included in this review. Included with this assessment are the validation annotated sample result sheets, and chain of custody. Analyses were performed on the following samples:

Sample ID	Lab ID	Matrix	Sample Collection Date	Parent Sample	Analysis			
					VOC	SVOC	MET	MISC
B-8-BC (062817)	1707036R1-01	Air	6/28/2017		X			
B-3-BC (062817)	1707036R1-02	Air	6/28/2017		X			
B-9-BC (062817)	1707036R1-03	Air	6/28/2017		X			
A-5-BC (062817)	1707036R1-04	Air	6/28/2017		X			
B-6-BC (062817)	1707036R1-05	Air	6/28/2017		X			
B-4-BC (062817)	1707036R1-06	Air	6/28/2017		X			
Dup-1-BC (062817)	1707036R1-07	Air	6/28/2017	B-4-BC (062817)	X			
Amb-1-BC (062817)	1707036R1-08	Air	6/28/2017		X			

ANALYTICAL DATA PACKAGE DOCUMENTATION

The table below is the evaluation of the data package completeness.

Items Reviewed	Reported		Performance Acceptable		Not Required
	No	Yes	No	Yes	
1. Sample receipt condition		X		X	
2. Requested analyses and sample results		X		X	
3. Master tracking list		X		X	
4. Methods of analysis		X		X	
5. Reporting limits		X		X	
6. Sample collection date		X		X	
7. Laboratory sample received date		X		X	
8. Sample preservation verification (as applicable)		X		X	
9. Sample preparation/extraction/analysis dates		X		X	
10. Fully executed Chain-of-Custody (COC) form		X		X	
11. Narrative summary of QA or sample problems provided		X		X	
12. Data Package Completeness and Compliance		X		X	

Note:
QA - Quality Assurance

ORGANIC ANALYSIS INTRODUCTION

Samples were collected using Radiello cartidges and analysis was performed using the Solvent Panel Scan method. Data were reviewed in accordance with USEPA National Functional Guidelines of October 1999.

The data review process is an evaluation of data on a technical basis rather than a determination of contract compliance. As such, the standards against which the data are being weighed may differ from those specified in the analytical method. It is assumed that the data package represents the best efforts of the laboratory and had already been subjected to adequate and sufficient quality review prior to submission.

During the review process, laboratory qualified and unqualified data are verified against the supporting documentation. Based on this evaluation, qualifier codes may be added, deleted, or modified by the data reviewer. Results are qualified with the following codes in accordance with USEPA National Functional Guidelines:

- Concentration (C) Qualifiers
  - U The compound was analyzed for but not detected. The associated value is the compound quantitation limit.
  - B The compound has been found in the sample as well as its associated blank, its presence in the sample may be suspect.
- Quantitation (Q) Qualifiers
  - E The compound was quantitated above the calibration range.
  - D Concentration is based on a diluted sample analysis.
- Validation Qualifiers
  - J The compound was positively identified; however, the associated numerical value is an estimated concentration only.
  - UJ The compound was not detected above the reported sample quantitation limit. However, the reported limit is approximate and may or may not represent the actual limit of quantitation.
  - JN The analysis indicates the presence of a compound for which there is presumptive evidence to make a tentative identification. The associated numerical value is an estimated concentration only.
  - UB Compound considered non-detect at the listed value due to associated blank contamination.
  - N The analysis indicates the presence of a compound for which there is presumptive evidence to make a tentative identification.
  - R The sample results are rejected.

Two facts should be noted by all data users. First, the "R" flag means that the associated value is unusable. In other words, due to significant quality control (QC) problems, the analysis is invalid and provides no information as to whether the compound is present or not. "R" values should not appear on data tables because they cannot be relied upon, even as a last resort. The second fact to keep in mind is that no compound concentration, even if it has passed all QC tests, is guaranteed to be accurate. Strict QC serves to increase confidence in data but any value potentially contains error.

VOLATILE ORGANIC COMPOUND (VOC) ANALYSIS

1. Holding Times

The specified holding times for the following methods are presented in the following table.

Method	Matrix	Holding Time	Preservation
Solvent Panel Scan (SOP: IH-AN-Solvent Panel)	Air	60 days from collection to analysis	Cool to <6°C

All samples were analyzed within the specified holding time.

2. Blank Contamination

Quality assurance (QA) blanks (i.e., method and rinse blanks) are prepared to identify any contamination which may have been introduced into the samples during sample preparation or field activity. Method blanks measure laboratory contamination. Rinse blanks measure contamination of samples during field operations.

A blank action level (BAL) of five times the concentration of a detected compound in an associated blank (common laboratory contaminant compounds are calculated at ten times) is calculated for QA blanks containing concentrations greater than the method detection limit (MDL). The BAL is compared to the associated sample results to determine the appropriate qualification of the sample results, if needed.

Compounds were not detected above the MDL in the associated blanks; therefore, detected sample results were not associated with blank contamination.

3. Mass Spectrometer Tuning

Mass spectrometer performance was acceptable and all analyses were performed within a 24-hour tune clock.

System performance and column resolution were acceptable.

4. Calibration

Satisfactory instrument calibration is established to insure that the instrument is capable of producing acceptable quantitative data. An initial calibration demonstrates that the instrument is capable of acceptable performance at the beginning of an experimental sequence. The continuing calibration verifies that the instrument daily performance is satisfactory.

4.1 Initial Calibration

The method specifies percent relative standard deviation (%RSD) and relative response factor (RRF) limits for select compounds only. A technical review of the data applies limits to all compounds with no exceptions.

All target compounds associated with the initial calibration standards must exhibit a %RSD less than the control limit (30%) and an RRF value greater than control limit (0.05).

4.2 Continuing Calibration

All target compounds associated with the continuing calibration standard must exhibit a percent difference (%D) less than the control limit (30%) and RRF value greater than control limit (0.05).

All compounds associated with the calibrations were within the specified control limits.

5. Internal Standard Performance

Internal standard performance criteria insure that the GC/MS sensitivity and response are stable during every sample analysis. The criteria require the internal standard compounds associated with the VOC exhibit area counts are ± 40% of the area counts of the associated continuing calibration standard.

All internal standard responses were within control limits.

6. Laboratory Control Sample/Laboratory Control Sample Duplicate (LCS/LCSD) Analysis

The LCS/LCSD analysis is used to assess the precision and accuracy of the analytical method independent of matrix interferences. The compounds associated with the LCS/LCSD analysis must exhibit a percent recovery within the laboratory-established acceptance limits.

All compounds associated with the LCS/LCSD analysis exhibited recoveries within the control limits.

7. Laboratory Duplicate Analysis

The laboratory duplicate relative percent difference (RPD) criterion is applied when parent and duplicate sample concentrations are greater than or equal to 5 times the RL. A control limit of 25% for air matrices is applied when the criteria above is true. In the instance when the parent and/or duplicate sample concentrations are less than or equal to 5 times the RL, a control limit of two times the RL is applied for air matrices.

Laboratory duplicate analysis was not performed using a sample from this SDG.

8. Field Duplicate Analysis

Field duplicate analysis is used to assess the overall precision of the field sampling procedures and analytical method. A control limit of 50% for air matrices is applied to the RPD between the parent sample and the field duplicate. In the instance when the parent and/or duplicate sample concentrations are less than or equal to 5 times the RL, a control limit of three times the RL is applied for air matrices.

Results for duplicate samples are summarized in the following table.

Sample ID/Duplicate ID	Compound	Sample Result (mg/m^3)	Duplicate Result (mg/m^3)	RPD
B-4-BC (062817)/ Dup-1-BC (062817)	Trichloroethene	6.9	7.3	5.6%
	Toluene	1.8	1.9	AC
	cis-1,2-Dichloroethene	1.4	1.5	

Note:

AC Acceptable

The calculated RPDs between the parent sample and field duplicate were acceptable.

9. Compound Identification

Compounds are identified on the GC/MS by using the analytes relative retention time and ion spectra.

All identified compounds met the specified criteria.

10. System Performance and Overall Assessment

The uptake rates were corrected based on average field temperatures if provided. In the absence of field temperatures, the uptake rates determined at 25 deg C were used.

To calculate ug/m3 concentrations in the Lab Blank and in sample Amb-1-BC (062817), a sampling duration of 1601 minutes was applied. The assumed temperature used for the uptake rate is listed on the data page. If the field temperatures were provided, the rate was adjusted in the same manner as the field samples. Associated compounds exhibiting an adjusted rate were flagged by the laboratory as "C" (C = Estimated concentration due to calculated sampling rate.) and were qualified as estimated (J/UJ).

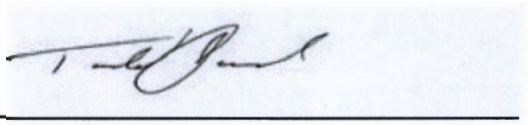
Overall system performance was acceptable. Other than for those deviations specifically mentioned in this review, the overall data quality is within the guidelines specified in the method.

DATA VALIDATION CHECKLIST FOR VOCs

VOCs: Solvent Panel Scan	Reported		Performance Acceptable		Not Required
	No	Yes	No	Yes	
GAS CHROMATOGRAPHY/MASS SPECTROMETRY (GC/MS)					
Tier II Validation					
Holding times		X		X	
Reporting limits (units)		X		X	
Blanks					
A. Method blanks		X		X	
B. Equipment blanks					X
Laboratory Control Sample (LCS) %R		X		X	
Laboratory Control Sample Duplicate (LCSD) %R		X		X	
LCS/LCSD Precision (RPD)		X		X	
Field/Lab Duplicate (RPD)		X		X	
Dilution Factor		X		X	
Tier III Validation					
System performance and column resolution		X		X	
Initial calibration %RSDs		X		X	
Continuing calibration RRFs		X		X	
Continuing calibration %Ds		X		X	
Instrument tune and performance check		X		X	
Ion abundance criteria for each instrument used		X		X	
Internal standard		X		X	
Compound identification and quantitation					
A. Reconstructed ion chromatograms		X		X	
B. Quantitation Reports		X		X	
C. RT of sample compounds within the established RT windows		X		X	
D. Transcription/calculation errors present		X		X	
E. Reporting limits adjusted to reflect sample dilutions		X		X	

%RSD Percent relative difference
%R Percent recovery
RPD Relative percent difference
%D Percent difference

VALIDATION PERFORMED BY: Todd Church

SIGNATURE: 

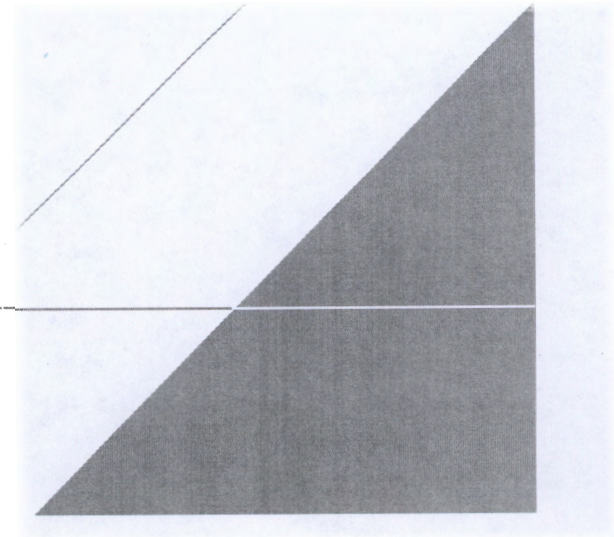
DATE: August 8, 2017

PEER REVIEW: Dennis Capria

DATE: August 11, 2017

CHAIN OF CUSTODY

CORRECTED SAMPLE ANALYSIS DATA SHEETS



Q - Exceeds quality control limits.
U - Compound analyzed for but not detected above the reporting limit.
UJ- Non-detected compound associated with low bias in the CCV
N - The identification is based on presumptive evidence.
C - Estimated concentration due to calculated sampling rate
CN - See case narrative explanation.

File extensions may have been used on the data analysis sheets and indicates as follows:
a-File was requantified
b-File was quantified by a second column and detector
r1-File was requantified for the purpose of reissue

eurofins | Air Toxics

Client Sample ID: B-8-BC (062817)

Lab ID#: 1707036R1-01A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c071107simr1**	**Date of Collection: 6/29/17 11:27:00 PM**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/11/17 11:14 AM**	
		Date of Extraction: 7/11/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.80	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	3.2	Not Detected C	Not Detected C	UJ
cis-1,2-Dichloroethene	0.10	0.99	0.16 C	1.6 C	J
trans-1,2-Dichloroethene	0.20	2.1	Not Detected C	Not Detected C	UJ
Benzene	0.40	3.1	Not Detected	Not Detected	
Tetrachloroethene	0.10	1.0	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	0.94	Not Detected C	Not Detected C	UJ
Trichloroethene	0.10	0.90	0.90	8.0	
Toluene	0.10	0.84	0.18	1.5	
Vinyl Chloride	0.40	2.7	Not Detected C	Not Detected C	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 80.0F , duration time = 1601 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	103	70-130

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Client Sample ID: B-3-BC (062817)

Lab ID#: 1707036R1-02A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c071108simr1**	**Date of Collection: 6/29/17 11:10:00 PM**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/11/17 11:39 AM**	
		Date of Extraction: 7/11/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.82	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	3.3	Not Detected C	Not Detected	UJ
cis-1,2-Dichloroethene	0.10	1.0	0.22 C	2.2 J	
trans-1,2-Dichloroethene	0.20	2.1	Not Detected C	Not Detected	UJ
Benzene	0.40	3.2	Not Detected	Not Detected	
Tetrachloroethene	0.10	1.1	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	0.96	Not Detected C	Not Detected	UJ
Trichloroethene	0.10	0.92	3.1	28	
Toluene	0.10	0.86	0.18	1.5	
Vinyl Chloride	0.40	2.8	Not Detected C	Not Detected	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 80.0F , duration time = 1564 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	102	70-130

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Client Sample ID: B-9-BC (062817)

Lab ID#: 1707036R1-03A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c071109simr1**	**Date of Collection: 6/29/17 9:47:00 PM**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/11/17 12:04 PM**	
		Date of Extraction: 7/11/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.88	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	3.6	Not Detected C	Not Detected C	UJ
cis-1,2-Dichloroethene	0.10	1.1	0.23 C	2.5 C	J
trans-1,2-Dichloroethene	0.20	2.3	Not Detected C	Not Detected C	UJ
Benzene	0.40	3.4	Not Detected	Not Detected	
Tetrachloroethene	0.10	1.2	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	1.0	Not Detected C	Not Detected C	UJ
Trichloroethene	0.10	0.98	1.4	14	
Toluene	0.10	0.92	0.22	2.0	
Vinyl Chloride	0.40	3.0	Not Detected C	Not Detected C	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 80.0F , duration time = 1456 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	100	70-130

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Client Sample ID: A-5-BC (062817)

Lab ID#: 1707036R1-04A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c071110simr1**	**Date of Collection: 6/29/17 8:40:00 PM**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/11/17 12:29 PM**	
		Date of Extraction: 7/11/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.94	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	3.8	Not Detected C	Not Detected	UJ
cis-1,2-Dichloroethene	0.10	1.2	0.17 C	2.0 C	J
trans-1,2-Dichloroethene	0.20	2.4	Not Detected C	Not Detected	UJ
Benzene	0.40	3.6	Not Detected	Not Detected	
Tetrachloroethene	0.10	1.2	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	1.1	Not Detected C	Not Detected	UJ
Trichloroethene	0.10	1.0	0.61	6.4	
Toluene	0.10	0.98	0.20	2.0	
Vinyl Chloride	0.40	3.2	Not Detected C	Not Detected	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 80.0F , duration time = 1368 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	101	70-130

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Client Sample ID: B-6-BC (062817)

Lab ID#: 1707036R1-05A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c071111simr1**	**Date of Collection: 6/29/17 9:55:00 PM**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/11/17 12:54 PM**	
		Date of Extraction: 7/11/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.91	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	3.7	Not Detected C	Not Detected C	UJ
cis-1,2-Dichloroethene	0.10	1.1	0.67 C	7.6 C	
trans-1,2-Dichloroethene	0.20	2.3	Not Detected C	Not Detected C	UJ
Benzene	0.40	3.5	Not Detected	Not Detected	
Tetrachloroethene	0.10	1.2	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	1.1	Not Detected C	Not Detected C	UJ
Trichloroethene	0.10	1.0	1.2	12	
Toluene	0.10	0.95	Not Detected	Not Detected	
Vinyl Chloride	0.40	3.1	Not Detected C	Not Detected C	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 80.0F , duration time = 1411 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	100	70-130

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Client Sample ID: B-4-BC (062817)

Lab ID#: 1707036R1-06A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c071112simr1**	**Date of Collection: 6/29/17 11:44:00 PM**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/11/17 01:19 PM**	
		Date of Extraction: 7/11/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.86	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	3.5	Not Detected C	Not Detected C	UJ
cis-1,2-Dichloroethene	0.10	1.1	0.14 C	1.4 C	J
trans-1,2-Dichloroethene	0.20	2.2	Not Detected C	Not Detected C	UJ
Benzene	0.40	3.3	Not Detected	Not Detected	
Tetrachloroethene	0.10	1.1	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	1.0	Not Detected C	Not Detected C	UJ
Trichloroethene	0.10	0.96	0.71	6.9	
Toluene	0.10	0.90	0.20	1.8	
Vinyl Chloride	0.40	3.0	Not Detected C	Not Detected C	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 80.0F , duration time = 1487 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	102	70-130

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Client Sample ID: Dup-1-BC (062817)

Lab ID#: 1707036R1-07A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c071113simr1**	**Date of Collection: 6/29/17**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/11/17 01:45 PM**	
		Date of Extraction: 7/11/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.86	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	3.5	Not Detected C	Not Detected C	UJ
cis-1,2-Dichloroethene	0.10	1.1	0.14 C	1.5 C	J
trans-1,2-Dichloroethene	0.20	2.2	Not Detected C	Not Detected C	UJ
Benzene	0.40	3.3	Not Detected	Not Detected	
Tetrachloroethene	0.10	1.1	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	1.0	Not Detected C	Not Detected C	UJ
Trichloroethene	0.10	0.96	0.76	7.3	
Toluene	0.10	0.90	0.21	1.9	
Vinyl Chloride	0.40	3.0	Not Detected C	Not Detected C	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 80.0F , duration time = 1487 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	101	70-130

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Client Sample ID: Amb-1-BC (062817)

Lab ID#: 1707036R1-08A

VOCS BY PASSIVE SAMPLER - GC/MS

File Name:	**c071114simr1**	**Date of Collection: 6/30/17 12:06:00 PM**	
Dil. Factor:	**1.00**	**Date of Analysis: 7/11/17 02:10 PM**	
		Date of Extraction: 7/11/17	

Compound	Rpt. Limit (ug)	Rpt. Limit (ug/m3)	Amount (ug)	Amount (ug/m3)	
1,2-Dichloroethane	0.10	0.80	Not Detected	Not Detected	
1,1-Dichloroethene	0.40	3.2	Not Detected C	Not Detected C	UJ
cis-1,2-Dichloroethene	0.10	0.99	Not Detected C	Not Detected C	UJ
trans-1,2-Dichloroethene	0.20	2.1	Not Detected C	Not Detected C	UJ
Benzene	0.40	3.1	Not Detected	Not Detected	
Tetrachloroethene	0.10	1.0	Not Detected	Not Detected	
1,1,2-Trichloroethane	0.10	0.94	Not Detected C	Not Detected C	UJ
Trichloroethene	0.10	0.90	Not Detected	Not Detected	
Toluene	0.10	0.84	Not Detected	Not Detected	
Vinyl Chloride	0.40	2.7	Not Detected C	Not Detected C	UJ

C = Estimated concentration due to calculated sampling rate.

Temperature = 80.0F , duration time = 1601 minutes.
Container Type: Radiello 130 (Solvent)

Surrogates	%Recovery	Method Limits
Toluene-d8	102	70-130

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Grenada Manufacturing

DATA REVIEW

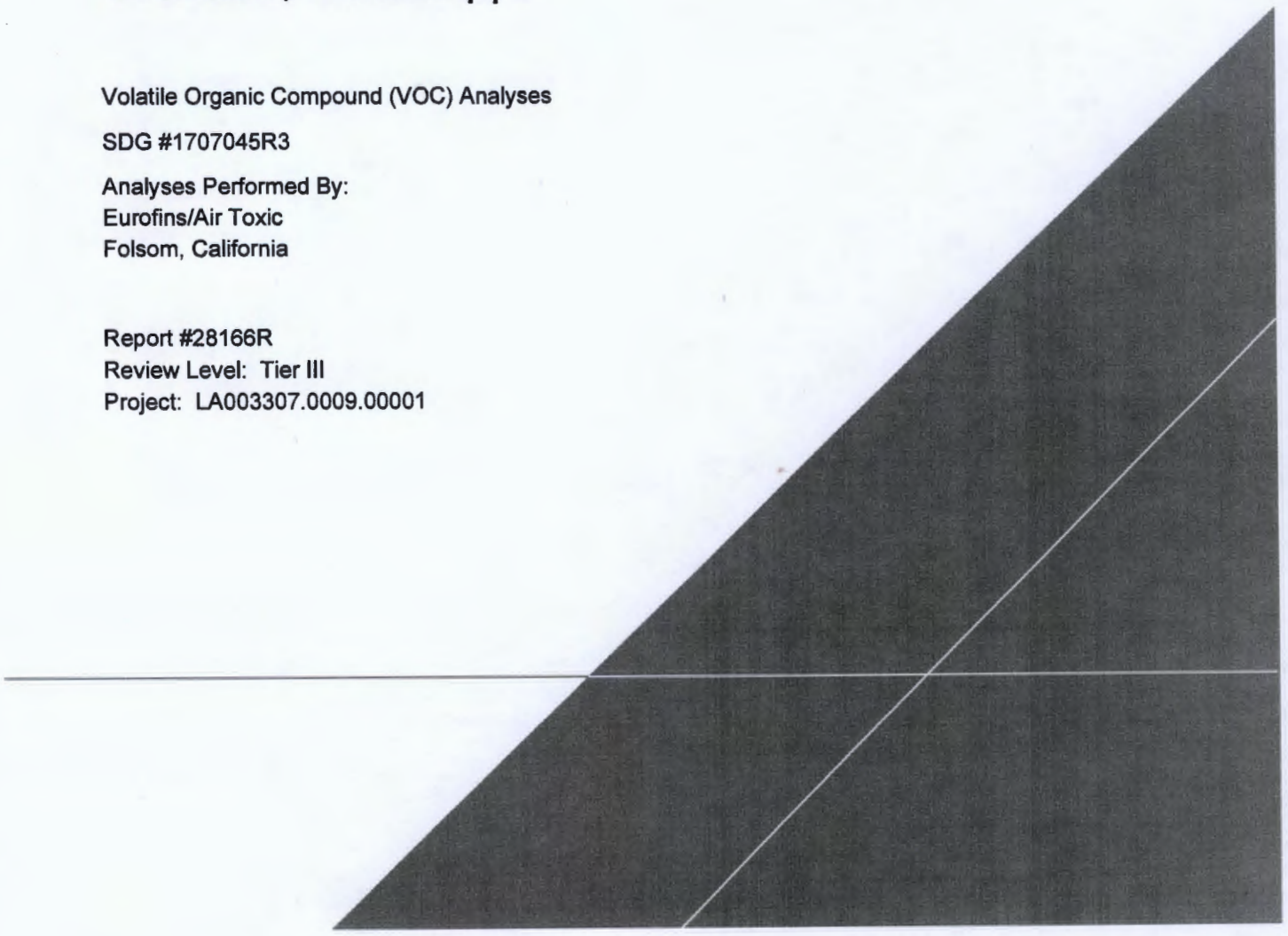
Grenada, Mississippi

Volatile Organic Compound (VOC) Analyses

SDG #1707045R3

Analyses Performed By:
Eurofins/Air Toxic
Folsom, California

Report #28166R
Review Level: Tier III
Project: LA003307.0009.00001



SUMMARY

This data quality assessment summarizes the review of Sample Delivery Group (SDG) #1707045R3 for samples collected in association with the Grenada Manufacturing site, located in Grenada, Mississippi. The review was conducted as a Tier III evaluation and included review of data package completeness. Only analytical data associated with constituents of concern were reviewed for this validation. Field documentation was not included in this review. Included with this assessment are the validation annotated sample result sheets, and chain of custody. Analyses were performed on the following samples:

Sample ID	Lab ID	Matrix	Sample Collection Date	Parent Sample	Analysis			
					VOC	SVOC	MET	MISC
B-8-BC (062817)	1707045R3-01	Air	06/28/2017		X			
B-3-BC (062817)	1707045R3-02	Air	06/28/2017		X			
B-9-BC (062817)	1707045R3-03	Air	06/28/2017		X			
A-5-BC (062817)	1707045R3-04	Air	06/28/2017		X			
B-6-BC (062817)	1707045R3-05	Air	06/28/2017		X			
B-4-BC (062817)	1707045R3-06	Air	06/28/2017		X			
DUP-1-BC (062817)	1707045R3-07	Air	06/28/2017	B-4-BC (062817)	X			

ANALYTICAL DATA PACKAGE DOCUMENTATION

The table below is the evaluation of the data package completeness.

Items Reviewed	Reported		Performance Acceptable		Not Required
	No	Yes	No	Yes	
1. Sample receipt condition		X		X	
2. Requested analyses and sample results		X		X	
3. Master tracking list		X		X	
4. Methods of analysis		X		X	
5. Reporting limits		X		X	
6. Sample collection date		X		X	
7. Laboratory sample received date		X		X	
8. Sample preservation verification (as applicable)		X		X	
9. Sample preparation/extraction/analysis dates		X		X	
10. Fully executed Chain-of-Custody (COC) form		X		X	
11. Narrative summary of QA or sample problems provided		X		X	
12. Data Package Completeness and Compliance		X		X	

Note:
QA - Quality Assurance

Note: Sample B-4-BC (062817) was received with significant vacuum remaining in the canister. The residual canister vacuum resulted in elevated reporting limits.

ORGANIC ANALYSIS INTRODUCTION

Analyses were performed according to United States Environmental Protection Agency (USEPA) Method TO-15. Data were reviewed in accordance with USEPA National Functional Guidelines of October 1999 and USEPA Region II SOP HW-31- Validating Air Samples Volatile Organic Analysis of Ambient Air In Canister by Method TO-15 of October 2006.

The data review process is an evaluation of data on a technical basis rather than a determination of contract compliance. As such, the standards against which the data are being weighed may differ from those specified in the analytical method. It is assumed that the data package represents the best efforts of the laboratory and had already been subjected to adequate and sufficient quality review prior to submission.

During the review process, laboratory qualified and unqualified data are verified against the supporting documentation. Based on this evaluation, qualifier codes may be added, deleted, or modified by the data reviewer. Results are qualified with the following codes in accordance with USEPA National Functional Guidelines:

- Concentration (C) Qualifiers
  - U The compound was analyzed for but not detected. The associated value is the compound quantitation limit.
  - B The compound has been found in the sample as well as its associated blank, its presence in the sample may be suspect.
- Quantitation (Q) Qualifiers
  - E The compound was quantitated above the calibration range.
  - D Concentration is based on a diluted sample analysis.
- Validation Qualifiers
  - J The compound was positively identified; however, the associated numerical value is an estimated concentration only.
  - UJ The compound was not detected above the reported sample quantitation limit. However, the reported limit is approximate and may or may not represent the actual limit of quantitation.
  - JN The analysis indicates the presence of a compound for which there is presumptive evidence to make a tentative identification. The associated numerical value is an estimated concentration only.
  - UB Compound considered non-detect at the listed value due to associated blank contamination.
  - N The analysis indicates the presence of a compound for which there is presumptive evidence to make a tentative identification.
  - R The sample results are rejected.

Two facts should be noted by all data users. First, the "R" flag means that the associated value is unusable. In other words, due to significant quality control (QC) problems, the analysis is invalid and provides no information as to whether the compound is present or not. "R" values should not appear on data tables because they cannot be relied upon, even as a last resort. The second fact to keep in mind is that no compound concentration, even if it has passed all QC tests, is guaranteed to be accurate. Strict QC serves to increase confidence in data but any value potentially contains error.

VOLATILE ORGANIC COMPOUND (VOC) ANALYSIS

1. Holding Times

The specified holding times for the following methods are presented in the following table.

Method	Matrix	Holding Time	Preservation	Return Canister Pressure
EPA TO-15	Air	30 days from collection to analysis	Ambient temperature	< -1" Hg

All samples were analyzed within the specified holding time and canister pressure criteria with the following exception:

2. Blank Contamination

Quality assurance (QA) blanks (i.e., method and rinse blanks) are prepared to identify any contamination which may have been introduced into the samples during sample preparation or field activity. Method blanks measure laboratory contamination. Rinse blanks measure contamination of samples during field operations.

A blank action level (BAL) of five times the concentration of a detected compound in an associated blank (common laboratory contaminant compounds are calculated at ten times) is calculated for QA blanks containing concentrations greater than the method detection limit (MDL). The BAL is compared to the associated sample results to determine the appropriate qualification of the sample results, if needed.

Compounds were not detected above the MDL in the associated blanks; therefore detected sample results were not associated with blank contamination.

3. Mass Spectrometer Tuning

Mass spectrometer performance was acceptable and all analyses were performed within a 24-hour tune clock.

System performance and column resolution were acceptable.

4. Calibration

Satisfactory instrument calibration is established to insure that the instrument is capable of producing acceptable quantitative data. An initial calibration demonstrates that the instrument is capable of acceptable performance at the beginning of an experimental sequence. The continuing calibration verifies that the instrument daily performance is satisfactory.

4.1 Initial Calibration

The method specifies percent relative standard deviation (%RSD) and relative response factor (RRF) limits for select compounds only. A technical review of the data applies limits to all compounds with no exceptions.

All target compounds associated with the initial calibration standards must exhibit a %RSD less than the control limit (30%) and an RRF value greater than control limit (0.05).

4.2 Continuing Calibration

All target compounds associated with the continuing calibration standard must exhibit a percent difference (%D) less than the control limit (30%) and RRF value greater than control limit (0.05).

All compounds associated with the calibrations were within the specified control limits.

5. Internal Standard Performance

Internal standard performance criteria insure that the GC/MS sensitivity and response are stable during every sample analysis. The criteria require the internal standard compounds associated with the VOC exhibit area counts are ± 40% of the area counts of the associated continuing calibration standard.

All internal standard responses were within control limits.

6. Surrogates/System Monitoring Compounds

All samples to be analyzed for organic compounds are spiked with surrogate compounds prior to sample preparation to evaluate overall laboratory performance and efficiency of the analytical technique. VOC analysis requires that all surrogates associated with the analysis exhibit recoveries within the laboratory-established acceptance limits.

All surrogate recoveries were within control limits.

7. Laboratory Control Sample (LCS) Analysis

The LCS analysis is used to assess the accuracy of the analytical method independent of matrix interferences. The compounds associated with the LCS analysis must exhibit a percent recovery within the laboratory-established acceptance limits.

All compounds associated with the LCS analysis exhibited recoveries within the control limits.

8. Laboratory Duplicate Analysis

The laboratory duplicate relative percent difference (RPD) criterion is applied when parent and duplicate sample concentrations are greater than or equal to 5 times the RL. A control limit of 25% for air matrices is applied when the criteria above is true. In the instance when the parent and/or duplicate sample concentrations are less than or equal to 5 times the RL, a control limit of two times the RL is applied for air matrices.

Laboratory duplicate analysis was not performed using a sample from this SDG.

9. Field Duplicate Analysis

Field duplicate analysis is used to assess the overall precision of the field sampling procedures and analytical method. A control limit of 50% for air matrices is applied to the RPD between the parent sample and the field duplicate. In the instance when the parent and/or duplicate sample concentrations are less than or equal to 5 times the RL, a control limit of three times the RL is applied for air matrices.

Results for duplicate samples are summarized in the following table.

Sample ID/Duplicate ID	Compound	Sample Result ($\mu g/m^3$)	Duplicate Result ($\mu g/m^3$)	RPD
B-4-BC (062817)/ DUP-1-BC (062817)	cis-1,2-Dichloroethene	1.1	1.1	0.0%
	Benzene	0.99 U	0.41	AC
	Trichloroethene	6.1	6.2	1.6%
	Toluene	1.7	1.6	6.1%

Note:

AC = Acceptable

The calculated RPDs between the parent sample and field duplicate were acceptable.

10. Compound Identification

Compounds are identified on the GC/MS by using the analytes relative retention time and ion spectra.

All identified compounds met the specified criteria.

11. System Performance and Overall Assessment

Note: Sample B-4-BC (062817) was received with significant vacuum remaining in the canister. The residual canister vacuum resulted in elevated reporting limits.

Overall system performance was acceptable. Other than for those deviations specifically mentioned in this review, the overall data quality is within the guidelines specified in the method.

DATA VALIDATION CHECKLIST FOR VOCs

VOCs: EPA TO-15	Reported		Performance Acceptable		Not Required
	No	Yes	No	Yes	
GAS CHROMATOGRAPHY/MASS SPECTROMETRY (GC/MS)					
Tier II Validation					
Canister return pressure (<-1"Hg)		X		X	
Holding times		X		X	
Reporting limits (units)		X		X	
Blanks					
A. Method blanks		X		X	
B. Equipment blanks					X
Laboratory Control Sample (LCS) %R		X		X	
Laboratory Control Sample Duplicate (LCSD) %R		X		X	
LCS/LCSD Precision (RPD)		X		X	
Field/Lab Duplicate (RPD)		X		X	
Surrogate Spike Recoveries		X		X	
Dilution Factor		X		X	
Tier III Validation					
System performance and column resolution		X		X	
Initial calibration %RSDs		X		X	
Continuing calibration RRFs		X		X	
Continuing calibration %Ds		X		X	
Instrument tune and performance check		X		X	
Ion abundance criteria for each instrument used		X		X	
Internal standard		X		X	
Compound identification and quantitation					
A. Reconstructed ion chromatograms		X		X	
B. Quantitation Reports		X		X	
C. RT of sample compounds within the established RT windows		X		X	
D. Transcription/calculation errors present		X		X	
E. Reporting limits adjusted to reflect sample dilutions		X		X	

VOCs: EPA TO-15	Reported		Performance Acceptable		Not Required
	No	Yes	No	Yes	
GAS CHROMATOGRAPHY/MASS SPECTROMETRY (GC/MS)					

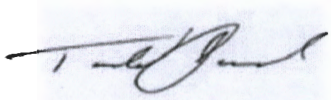
%RSD Percent relative difference

%R Percent recovery

RPD Relative percent difference

%D Percent difference

VALIDATION PERFORMED BY: Todd Church

SIGNATURE: 

DATE: August 8, 2017

PEER REVIEW: Dennis Capria

DATE: August 9, 20117

CHAIN OF CUSTODY

CORRECTED SAMPLE ANALYSIS DATA SHEETS

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Sample Transportation Notice
Relinquishing signature on this document indicates that sample is being shipped in compliance with all applicable local, State, Federal, national, and International laws, regulations and ordinances of any kind. Air Toxics Limited assumes no liability with respect to the collection, handling or shipping of these samples. Relinquishing signature also indicates agreement to hold harmless, defend, and indemnify Air Toxics Limited against any claim, demand, or action, of any kind, related to the collection, handling, or shipping of samples. D.O.T. Hotline (800) 467-4922

180 BLUE RAVINE ROAD, SUITE B
FOLSOM, CA 95630-4719
(916) 985-1000 FAX (916) 985-1020

Project Manager Steve Sharp
Collected by: (Print and Sign) Brian Cashen
Company Arcadis Email steve.sharp@arcadis.com
Address 150 W. Market St, Ste 728 City Indianapolis State IN Zip 46204
Phone (317) 231-6500 Fax (317) 231-6514

Project Info:
P.O. # See below
Project # LA003307.0009
Project Name Meridian Crossroads

Turn Around Time:
☑ Normal
☐ Rush
specify

Lab Use Only
Pressurized by:
Date:
Pressurization Gas: N_2 He

Lab I.D.	Field Sample I.D. (Location)	Can #	Date of Collection	Time of Collection	Analyses Requested	Canister Pressure/Vacuum Initial	Final	Receipt	Final (psi)
010	B-8-BC(062817)	34197	6/28/17 6/29/17	2046-2327	Tols see project list	-30	-8.5		
09A	B-3-BC(062817)	33536	↓	2106-2310	↓	↓	-7.0		
08A	B-9-BC(062817)	6L1244		2131-2147			-5.5		
07A	A-5-BC(062817)	21007		2152-2040			-7.0		
05A	B-6-BC(062817)	6L1597		2224-2155			-7.5		
06A	B-4-BC(062817)	6L1581		2257-2344			-25		
07A	DUP-1-BC(062817)	6L0847	↓	—	↓	↓	-8.5		

Relinquished by: (signature)	Date/Time	Received by: (signature)	Date/Time
[signature]	6/30/17 1030	[signature] EAL	07/05/17 0850
Relinquished by: (signature)	Date/Time	Received by: (signature)	Date/Time
Relinquished by: (signature)	Date/Time	Received by: (signature)	Date/Time

Notes:

Lab Use Only	Shipper Name	Air Bill #	Temp (°C)	Condition	Custody Seals Intact?	Work Order #
	Fed Ex		NA	Good	Yes No None	1707045

EAL 07/05/17

Form 1293 rev.11

same analytical run. The two data files have the same base file name and are differentiated with a "sim" extension on the SIM data file.

The workorder was re-issued on 7/25/2017 for the following reasons:

1. To correct the dilution factor in laboratory blank 1707045R1-08E due to data entry error.

2. To correct identification of the following sample B-6-BC (062817) due to laboratory transcription error.

Per client request, the workorder was re-issued on 8/11/2017 to amend the target compound list as required by the specific project. Changing the compound list caused some previously reported compounds to become not reported.

The workorder was reissued on 8/14/2017 to correct the final report format.

Definition of Data Qualifying Flags

Nine qualifiers may have been used on the data analysis sheets and indicates as follows:

B - Compound present in laboratory blank greater than reporting limit (background subtraction not performed).

J - Estimated value.

E - Exceeds instrument calibration range.

S - Saturated peak.

Q - Exceeds quality control limits.

U - Compound analyzed for but not detected above the reporting limit.

UJ- Non-detected compound associated with low bias in the CCV

N - The identification is based on presumptive evidence.

CN - See case narrative explanation

File extensions may have been used on the data analysis sheets and indicates as follows:

a-File was requantified

b-File was quantified by a second column and detector

r1-File was requantified for the purpose of reissue

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Client Sample ID: B-8-BC (062817)

Lab ID#: 1707045R3-01A

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071120r2**	**Date of Collection: 6/29/17 11:27:00 PM**	
Dil. Factor:	**1.72**	**Date of Analysis: 7/11/17 09:40 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Methylene Chloride	0.34	Not Detected	1.2	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	105	70-130
Toluene-d8	97	70-130
4-Bromofluorobenzene	104	70-130

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Client Sample ID: B-8-BC (062817)

Lab ID#: 1707045R3-01B

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071120simr2**	**Date of Collection: 6/29/17 11:27:00 PM**	
Dil. Factor:	**1.72**	**Date of Analysis: 7/11/17 09:40 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Vinyl Chloride	0.017	Not Detected	0.044	Not Detected
1,1-Dichloroethene	0.017	Not Detected	0.068	Not Detected
trans-1,2-Dichloroethene	0.17	Not Detected	0.68	Not Detected
cis-1,2-Dichloroethene	0.034	0.31	0.14	1.2
Benzene	0.086	0.20	0.27	0.63
1,2-Dichloroethane	0.034	Not Detected	0.14	Not Detected
Trichloroethene	0.034	1.3	0.18	7.1
Toluene	0.034	0.40	0.13	1.5
1,1,2-Trichloroethane	0.034	Not Detected	0.19	Not Detected
Tetrachloroethene	0.034	Not Detected	0.23	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	108	70-130
Toluene-d8	98	70-130
4-Bromofluorobenzene	102	70-130

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Client Sample ID: B-3-BC (062817)

Lab ID#: 1707045R3-02A

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071219r2**	**Date of Collection: 6/29/17 11:10:00 PM**	
Dil. Factor:	**1.64**	**Date of Analysis: 7/12/17 09:44 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Methylene Chloride	0.33	Not Detected	1.1	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	110	70-130
Toluene-d8	97	70-130
4-Bromofluorobenzene	101	70-130

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Client Sample ID: B-3-BC (062817)

Lab ID#: 1707045R3-02B

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071219simr2**	**Date of Collection: 6/29/17 11:10:00 PM**	
Dil. Factor:	**1.64**	**Date of Analysis: 7/12/17 09:44 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Vinyl Chloride	0.016	Not Detected	0.042	Not Detected
1,1-Dichloroethene	0.016	0.018	0.065	0.073
trans-1,2-Dichloroethene	0.16	Not Detected	0.65	Not Detected
cis-1,2-Dichloroethene	0.033	0.44	0.13	1.8
Benzene	0.082	0.086	0.26	0.28
1,2-Dichloroethane	0.033	Not Detected	0.13	Not Detected
Trichloroethene	0.033	4.7	0.18	25
Toluene	0.033	0.37	0.12	1.4
1,1,2-Trichloroethane	0.033	Not Detected	0.18	Not Detected
Tetrachloroethene	0.033	0.069	0.22	0.47

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	110	70-130
Toluene-d8	96	70-130
4-Bromofluorobenzene	104	70-130

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Client Sample ID: B-9-BC (062817)

Lab ID#: 1707045R3-03A

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071307r2**	**Date of Collection: 6/29/17 9:47:00 PM**	
Dil. Factor:	**1.55**	**Date of Analysis: 7/13/17 11:53 AM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Methylene Chloride	0.31	Not Detected	1.1	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	106	70-130
Toluene-d8	95	70-130
4-Bromofluorobenzene	108	70-130

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Client Sample ID: B-9-BC (062817)

Lab ID#: 1707045R3-03B

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071307simr2**	**Date of Collection: 6/29/17 9:47:00 PM**	
Dil. Factor:	**1.55**	**Date of Analysis: 7/13/17 11:53 AM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Vinyl Chloride	0.016	Not Detected	0.040	Not Detected
1,1-Dichloroethene	0.016	Not Detected	0.061	Not Detected
trans-1,2-Dichloroethene	0.16	Not Detected	0.61	Not Detected
cis-1,2-Dichloroethene	0.031	0.45	0.12	1.8
Benzene	0.078	0.14	0.25	0.44
1,2-Dichloroethane	0.031	Not Detected	0.12	Not Detected
Trichloroethene	0.031	2.2	0.17	12
Toluene	0.031	0.50	0.12	1.9
1,1,2-Trichloroethane	0.031	Not Detected	0.17	Not Detected
Tetrachloroethene	0.031	0.038	0.21	0.26

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	111	70-130
Toluene-d8	96	70-130
4-Bromofluorobenzene	105	70-130

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Client Sample ID: A-5-BC (062817)

Lab ID#: 1707045R3-04A

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071311r2**	**Date of Collection: 6/29/17 8:40:00 PM**	
Dil. Factor:	**1.62**	**Date of Analysis: 7/13/17 02:44 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Methylene Chloride	0.32	Not Detected	1.1	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	115	70-130
Toluene-d8	96	70-130
4-Bromofluorobenzene	103	70-130

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Client Sample ID: A-5-BC (062817)

Lab ID#: 1707045R3-04B

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071311simr2**	**Date of Collection: 6/29/17 8:40:00 PM**	
Dil. Factor:	**1.62**	**Date of Analysis: 7/13/17 02:44 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Vinyl Chloride	0.016	Not Detected	0.041	Not Detected
1,1-Dichloroethene	0.016	Not Detected	0.064	Not Detected
trans-1,2-Dichloroethene	0.16	Not Detected	0.64	Not Detected
cis-1,2-Dichloroethene	0.032	0.35	0.13	1.4
Benzene	0.081	0.095	0.26	0.30
1,2-Dichloroethane	0.032	Not Detected	0.13	Not Detected
Trichloroethene	0.032	1.1	0.17	5.8
Toluene	0.032	0.44	0.12	1.7
1,1,2-Trichloroethane	0.032	Not Detected	0.18	Not Detected
Tetrachloroethene	0.032	Not Detected	0.22	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	110	70-130
Toluene-d8	97	70-130
4-Bromofluorobenzene	104	70-130

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Client Sample ID: B-6-BC (062817)

Lab ID#: 1707045R3-05A

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071308r2**	**Date of Collection: 6/29/17 9:55:00 PM**	
Dil. Factor:	**1.65**	**Date of Analysis: 7/13/17 12:35 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Methylene Chloride	0.33	Not Detected	1.1	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	110	70-130
Toluene-d8	95	70-130
4-Bromofluorobenzene	101	70-130

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Client Sample ID: B-6-BC (062817)

Lab ID#: 1707045R3-05B

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071308simr2**	**Date of Collection: 6/29/17 9:55:00 PM**	
Dil. Factor:	**1.65**	**Date of Analysis: 7/13/17 12:35 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Vinyl Chloride	0.016	Not Detected	0.042	Not Detected
1,1-Dichloroethene	0.016	Not Detected	0.065	Not Detected
trans-1,2-Dichloroethene	0.16	Not Detected	0.65	Not Detected
cis-1,2-Dichloroethene	0.033	0.63	0.13	2.5
Benzene	0.082	Not Detected	0.26	Not Detected
1,2-Dichloroethane	0.033	Not Detected	0.13	Not Detected
Trichloroethene	0.033	0.89	0.18	4.8
Toluene	0.033	0.14	0.12	0.51
1,1,2-Trichloroethane	0.033	Not Detected	0.18	Not Detected
Tetrachloroethene	0.033	Not Detected	0.22	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	109	70-130
Toluene-d8	98	70-130
4-Bromofluorobenzene	105	70-130

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Client Sample ID: B-4-BC (062817)

Lab ID#: 1707045R3-06A

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071309r2**	**Date of Collection: 6/29/17 11:44:00 PM**	
Dil. Factor:	**6.19**	**Date of Analysis: 7/13/17 01:21 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Methylene Chloride	1.2	Not Detected	4.3	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	108	70-130
Toluene-d8	95	70-130
4-Bromofluorobenzene	101	70-130

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Client Sample ID: B-4-BC (062817)

Lab ID#: 1707045R3-06B

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071309simr2**	**Date of Collection: 6/29/17 11:44:00 PM**	
Dil. Factor:	**6.19**	**Date of Analysis: 7/13/17 01:21 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Vinyl Chloride	0.062	Not Detected	0.16	Not Detected
1,1-Dichloroethene	0.062	Not Detected	0.24	Not Detected
trans-1,2-Dichloroethene	0.62	Not Detected	2.4	Not Detected
cis-1,2-Dichloroethene	0.12	0.28	0.49	1.1
Benzene	0.31	Not Detected	0.99	Not Detected
1,2-Dichloroethane	0.12	Not Detected	0.50	Not Detected
Trichloroethene	0.12	1.1	0.66	6.1
Toluene	0.12	0.46	0.47	1.7
1,1,2-Trichloroethane	0.12	Not Detected	0.68	Not Detected
Tetrachloroethene	0.12	Not Detected	0.84	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	109	70-130
Toluene-d8	99	70-130
4-Bromofluorobenzene	101	70-130

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Client Sample ID: DUP-1-BC (062817)

Lab ID#: 1707045R3-07A

MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071310r2**	**Date of Collection: 6/29/17**	
Dil. Factor:	**1.74**	**Date of Analysis: 7/13/17 02:02 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Methylene Chloride	0.35	Not Detected	1.2	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	120	70-130
Toluene-d8	94	70-130
4-Bromofluorobenzene	104	70-130

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Client Sample ID: DUP-1-BC (062817)

Lab ID#: 1707045R3-07B

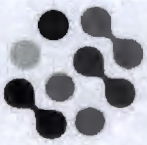
MODIFIED EPA METHOD TO-15 GC/MS SIM/FULL SCAN

File Name:	**e071310simr2**	**Date of Collection: 6/29/17**	
Dil. Factor:	**1.74**	**Date of Analysis: 7/13/17 02:02 PM**	

Compound	Rpt. Limit (ppbv)	Amount (ppbv)	Rpt. Limit (ug/m3)	Amount (ug/m3)
Vinyl Chloride	0.017	Not Detected	0.044	Not Detected
1,1-Dichloroethene	0.017	Not Detected	0.069	Not Detected
trans-1,2-Dichloroethene	0.17	Not Detected	0.69	Not Detected
cis-1,2-Dichloroethene	0.035	0.27	0.14	1.1
Benzene	0.087	0.13	0.28	0.41
1,2-Dichloroethane	0.035	Not Detected	0.14	Not Detected
Trichloroethene	0.035	1.2	0.19	6.2
Toluene	0.035	0.44	0.13	1.6
1,1,2-Trichloroethane	0.035	Not Detected	0.19	Not Detected
Tetrachloroethene	0.035	Not Detected	0.24	Not Detected

Container Type: 6 Liter Summa Canister (100% Certified)

Surrogates	%Recovery	Method Limits
1,2-Dichloroethane-d4	110	70-130
Toluene-d8	96	70-130
4-Bromofluorobenzene	104	70-130



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Electronic Comprehensive Validation Package (eCVP)

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI GREENVILLE DIVISION

BRENDA J. COOPER, ET AL, **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-052 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- Consolidated With -

JOE E. SLEDGE, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-053 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and -

KATHERINE LONGSTREET COOKE, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-054 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and -

SRA INVESTMENTS, LLC., ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16cv-055 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and –

FELICIA WILLIS, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16cv-056 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

MEMORANDUM IN SUPPORT OF MOTION TO QUASH

The United States Environmental Protection Agency (EPA) hereby moves this Court to Quash Subpoenas, Document Nos. 264, 265 and 266. On or about July 25, 2017, Attorney Marquette Wolf (hereinafter referred to as Attorney Wolf) served subpoenas on the EPA to depose three EPA Region 4 employees – Brian Bastek ("Bastek"), Meredith Anderson

("Anderson"), and Ben Bentkowski ("Bentkowski"), in the above referenced litigation. Inasmuch as the EPA is not a party to the lawsuit and the information Attorney Wolf seeks from the above named EPA employees can be obtained through other means, the EPA respectfully requests that the Court quash the Subpoenas docketed as Document Nos. 264, 265 and 266.

BACKGROUND

The Grenada Manufacturing facility was constructed in 1961 and sold to several companies over the years, including what are now Meritor, Inc., and Textron, Inc., current defendants in the above-referenced litigation. Though currently operating as a metal stamping facility, the facility historically operated as a chrome plating and wheel cover manufacturing facility. These operations over time released trichloroethylene (TCE) and other hazardous substances to soil, sediment and groundwater at and surrounding the facility.

The EPA, along with the Mississippi Department of Environmental Quality (MDEQ), has overseen investigation and cleanup activities at the facility since the late 1980s. The EPA has primarily overseen the Resource Conservation and Recovery Act (RCRA) Hazardous and Solid Waste Amendments (HSWA) permit issued to the facility in 1998, while MDEQ has primarily overseen the cleanup of a former disposal area east of the facility along Moose Lodge Road.

As a part of the RCRA HSWA permit process, multiple solid waste management units (SWMUs) and areas of concern (AOCs) were identified in 1996 and 1997 for investigation. Of the 26 SWMUs identified, 18 were investigated, determined to show no evidence of a release, and required no further action. Additional investigation continued and, in 2003, the EPA approved a corrective measures study to address the groundwater contamination and remaining SWMUs and AOCs at the facility. These corrective measures included closure of a former

sludge lagoon, installation of a permeable reactive barrier (PRB) along Riverdale Creek, which flows along the western border of the facility, to treat groundwater contamination before reaching the Creek, and implementation of select institutional controls.

In recent years, the PRB has not been effective in addressing groundwater contamination, ultimately resulting in discharges of TCE and other facility-related contaminants to nearby Riverdale Creek. As a result of these ongoing discharges, MDEQ issued a "Contact Advisory" for a segment of the Creek and the EPA directed the facility to take corrective measures to restore the PRB to its original intent or develop alternative measures to control the groundwater discharges. The EPA also directed the facility to further investigate and implement active treatment measures at source areas of TCE closer to the facility's main plant building. Additional delineation of these source areas remains ongoing to provide data necessary to implement the appropriate treatment.

In September 2015, a vapor intrusion (VI) study (indoor, sub-slab, and ambient air sampling) was initiated in the Eastern Heights neighborhood, a residential community directly north of the facility. The goal of this study was to evaluate whether contaminated groundwater which had been identified under the neighborhood was impacting residents. After several rounds of VI sampling, in a total of 23 homes, the results indicated that there was not a complete vapor intrusion pathway in the homes sampled and no immediate threat to public health in the Eastern Heights neighborhood due to the contaminated groundwater. Ambient outdoor air data was also collected as a part of the VI study, ultimately indicating that there may be a nearby source causing low levels of TCE in the ambient air. Further efforts are ongoing to identify the potential source of this TCE in the ambient air, as well as the source(s) of the groundwater contamination under the neighborhood.

In October 2016, a separate VI study was conducted at the main plant building of the facility, a follow up to prior rounds of VI sampling in the same building, due to a new, lower screening value being used by the EPA for TCE. The initial sampling results indicated TCE was above action levels in indoor air for the worker population. As a result, the EPA instructed the facility to begin interim measures in January 2017 to lower levels of TCE in the indoor air and mitigate exposure to employees. To date, the facility has implemented several interim mitigation efforts (i.e., installation of temporary fans, modification and use of existing exhaust fans and HVAC adjustments) in order to promote increased air exchange and reduce indoor air TCE levels. After additional sampling in January 2017, the EPA determined that additional measures are still needed to address the indoor air issues. The facility is now installing a long-term, sub-slab depressurization system to address the indoor air contamination, which is scheduled to be completed in mid-August 2017.

The EPA continues to work with the facility to address both on-site and off-site contamination, including continuing to monitor residences in the Eastern Heights neighborhood for VI and other related environmental concerns, where necessary. The EPA also continues to evaluate the current and long-term effectiveness of the PRB and whether alternative measures to prevent migration of contaminants into Riverdale Creek are necessary. In addition to cleanup efforts, the EPA has maintained an active community outreach program for the Eastern Heights neighborhood, surrounding community, and facility employees.

The three subpoenaed EPA employees have served in varied roles at the Agency related to the facility and in different timeframes. Mr. Bastek is the current RCRA project manager for the facility and has served in this capacity since March 2015. Ms. Anderson was previously the RCRA project manager for the facility from 2010 until early 2015, and subsequently served as

Mr. Bastek's first-line supervisor until she was detailed to another office within EPA Region 4 beginning on July 10, 2017. Mr. Bentkowski is a hydrologist and has provided technical support to the Resource Conservation and Restoration Division related to the facility since April 2015. In these varied roles, the employees have offered input, along with that of their EPA colleagues, to the ultimate decision-makers within EPA management regarding the EPA's oversight and activities at the facility. Each of these three employees carry heavy workloads, overseeing and working on multiple EPA sites and projects in their official capacities.

LEGAL STANDARDS
(EPA *Touhy* Regulations)

Federal regulations govern the EPA's response to subpoenas for testimony in litigation where the United States Government is not a party. Pursuant to 40 C.F.R. Part 2, Subpart C, EPA employees are prohibited from testifying about information acquired in the course of performing their official duties or because of the employee's official relationship with the EPA, unless authorized by the General Counsel or his/her designee. 40 C.F.R. § 2.402(b). The validity of such federal regulations restricting the testimony of federal employees, commonly referred to as *Touhy* regulations, has been upheld by the United States Supreme Court. *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

The purpose of these regulations is to: (1) ensure that employees' official time is used only for official purposes; (2) maintain the impartiality of the EPA among private litigants; (3) ensure that public funds are not used for private purposes; and (4) establish procedures for approving testimony or production of documents when clearly in the interests of the EPA. 40 C.F.R. § 2.401(c). The General Counsel, through his/her designee, may approve employee testimony only where it is determined that providing such testimony would be clearly in the interests of the EPA. 40 C.F.R. §§ 2.401 through 2.405.

Determining whether testimony is "clearly in the interests of EPA" is necessarily fact-based. The nature of the underlying litigation and requested testimony must be weighed against the purpose of the regulations and the Agency's strong interest in preserving limited Agency resources, maintaining appropriate control of its workforce and fulfilling its statutory obligations. This is especially true for EPA Region 4, which generates countless records and is involved in numerous matters that make their way into private litigation.

ARGUMENT

The litigation in this case is a consolidation of several tort actions filed by local landowners, including residents of the Eastern Heights neighborhood, alleging property damages from the historical release and/or migration of hazardous substances from the facility. Although the subpoenas do not state with any specificity the nature of the testimony sought, Attorney Wolf's June 15, 2017, email and July 25, 2017, letter stated that, "[w]hile these depositions are not critical to the Plaintiffs [sic] cases, we believe that they would be informative, from a factual and technical perspective to help the trier of fact understand what has, or in many cases has not happened in the area around the Grenada Manufacturing facility." **See Exhibits 1 and 2.** He further stated that, "[t]hese depositions would allow us to examine what the decision making process at EPA has been since the 1990s" and "uncover what information was discovered and considered by the EPA during various time periods as compared to what information was discoverable by the EPA (yet not actually discovered or considered) or that should have been self-reported by the operators of the facility." **Id.** He also specifically inquired whether an EPA response was undertaken to address and track the spread of an unleaded gasoline spill from underground storage tanks located at the facility.

First, taking into account that these depositions "are not critical to the Plaintiffs cases," EPA finds it very difficult to see how compliance with the subpoenas is an appropriate use of EPA time and resources. Each of these three employees carry heavy workloads, overseeing and working on multiple EPA sites and projects in their official capacities. When weighed against the non-critical and "informative" nature of the testimony sought, complying with the three subpoenas would impose an undue burden on the already-limited resources of the EPA, especially when considering the total amount of official time that would be required. Indeed, the need for this type of testimony is an insufficient basis to compel the EPA, a non-party federal agency with limited resources, to produce its staff for a burdensome deposition. This is especially true given that there are large volumes of publicly-available documents associated with the EPA's oversight of the response activities at the facility since the 1990s (as discussed further below), making any deposition testimony largely cumulative and duplicative.

Second, the information sought through the deposition testimony of the named EPA employees can be obtained from EPA records or other publicly-available means. The EPA documents its decisions at the facility through reports and records that are generally prepared by the facility with EPA oversight and approval and often subject to public comment. These records are available to the public through Freedom of Information Act (FOIA) requests, some of which have already been provided to Attorney Wolf pursuant to the three FOIA requests processed by EPA Region 4's FOIA office on his behalf since 2015. Further, the EPA has established a website, available at www.epa.gov/grenadacleanup, to provide the Grenada community, including residents of the Eastern Heights neighborhood, important updates regarding all investigation and cleanup actions related to the facility and access to key documents and correspondence regarding the cleanup and the EPA's interactions with the facility. Given the

availability of these facility records and no explanation as to why these records are insufficient, compliance with the subpoenas would again impose an undue burden on the EPA. The EPA should not be required to undertake the substantial burden of producing witnesses—three employees in this case—to provide information that is already available through less burdensome means. ***See* 40 C.F.R. § 2.406**.

Third, a number of the topics on which Attorney Wolf seeks to depose the EPA employees unjustifiably risks disclosure of the EPA's internal deliberations, attorney-client privileged communications, and attorney work product about existing and future RCRA compliance decisions, and potential enforcement activities. As such, the significant risk of disclosure of the EPA's internal and enforcement-related deliberations during the deposition far outweighs the benefit of any non-privileged information that would be provided.

Fourth, the testimony sought primarily focuses on the decision-making processes of the EPA related to the facility, the majority of which date back to the 1990s and early 2000s. As referenced in the background information, the earliest that any of the three employees worked on EPA activities at the facility is 2010. Apart from knowledge gained from reading and reviewing pre-2010 reports and related EPA and MDEQ records for the facility, these employees have no special knowledge of EPA activities prior to 2010, including any knowledge of EPA evaluations of or responses to unleaded gasoline spills from underground storage tanks located at the facility. In addition, the employees are not the ultimate decision-makers for all activities overseen and/or undertaken at the facility. Agency decision-making includes necessary layers of review with EPA management and does not rest solely with EPA first-line staff. Given that these three employees could only offer testimony on activities that occurred during a limited portion of the

EPA's activities at the facility and Agency decision-making does not ultimately rest with them, EPA contends that compliance with the subpoenas are inappropriate in this case.

Lastly, and more directly underlying to the purposes of the EPA regulations, the subpoenas impose an undue burden upon the EPA by requiring public funds—in the form of the employees' official time—to be spent for private purposes. To interject the United States into private party litigation of this type would set a precedent for the EPA that would undoubtedly lead to numerous similar requests and interfere with the official duties of EPA personnel, which, as a matter of course, do not include testifying in private lawsuits to which the United States is not a party. Additionally, providing EPA testimony in this proceeding could undermine the EPA's efforts to maintain impartiality among the private litigants who are involved in this case. *See* 40 C.F.R. § 2.401(c).

CONCLUSION

For the foregoing reasons EPA respectfully requests that the Court quash the Subpoenas (Documents Nos. 264, 265 and 266).

DATED: August 7, 2017.

Respectfully submitted,

ROBERT H. NORMAN
Acting United States Attorney

By: /s/ Feleica L. Wilson
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Assistant United States Attorney
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CERTIFICATE OF SERVICE

I, FELEICA L. WILSON, Assistant United States Attorney for the Northern District of Mississippi, hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Honorable Phillip S. Sykes
Phillip.sykes@butlersnow.com

Honorable Trudy Fisher
Trudy.fisher@butlersnow.com

Honorable Leaann Smith
Leaann.smith@butlersnow.com

Honorable Barber Boone
Barber.boone@butlersnow.com

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Honorable Lucien Smith
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Honorable Walter H. Boone
wboone@balch.com

Honorable William L. Smith
bsmith@balch.com

This the 7th day of August, 2017.

/s/ Feleica L. Wilson
FELEICA L. WILSON
Assistant United States Attorney

Smith, Stephen

From: Bonnie Duran <bduran@tedlyon.com>
Sent: Thursday, June 15, 2017 2:38 PM
To: Smith, Stephen
Cc: Luetscher, Greg; Armor, Suzanne; feleica.wilson@usdoj.gov; Hansen, Susan
Subject: Re: Rationale for deposing EPA Personnel

(On behalf of Marquette Wolf)

Mr. Smith:

First, let me confirm there is presently no served subpoena on Anderson, Bastek or Bentkowski. Pursuant to 40 CFR 2.404 I am seeking approval for the depositions of these EPA personnel.

In connection with the following cases, Plaintiffs seek the depositions of Anderson, Bastek and Bentkowski:

BRENDA J. COOPER, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-52-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

- Consolidated With -

JOE SLEDGE, ET AL. PLAINTIFFS
versus — Civil Action No. 4:16-cv-53-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

-and-

KATHERINE LONGSTREET COOKE, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-54-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

-and-

SRA INVESTMENT, LLC, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-55-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

-and-

FELICIA WILLIS, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-56-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

These cases are pending in the Northern District of Mississippi, Greenville Division.

While these depositions are not critical to the Plaintiffs cases, we believe that they would be informative, from a factual and technical perspective to help the trier of fact understand what has, or in many cases has not happened in the area around the Grenada Manufacturing facility, formerly operated by Rockwell and Textron (presently operated by Ice

Exhibit 1

Industries). These depositions would allow us to examine what the decision making process at EPA has been since the 1990s when the Agency learned of contamination from known carcinogens, whether or not the Agency allowed continued contamination and at what levels, the Agency's knowledge of what is presently in the ground in Grenada County and spreading, and what remedial action was ordered to preclude having the carcinogens remain there for decades. These depositions would allow us to uncover the efficacy (or lack thereof) of the remedial measures that have been utilized which have allowed the spread of known carcinogens into Eastern Heights neighborhood to the north and Riverdale Creek to the west (beyond the permeable reactive barrier). This will allow us to uncover what information was discovered and considered by the EPA during various time periods as compared to what information was *discoverable* by the EPA (yet not actually discovered or considered) or that should have been self-reported by the operators of the facility. Transparency in these matters is always in the interests of the EPA.

Over the course of the last few decades a number of orders, agreements, statements and determinations have been published by various agents of region 4 EPA. It is not necessary to depose all of the personnel on this site; Plaintiffs believe that the 3 witnesses identified have the knowledge base to help us understand the methodology used in the various decisions/pronouncements/determinations. These witnesses can help us understand the extent to which EPA has based decisions etc. on independently obtained data and information versus data and information provided by the responsible party (whether that be Grenada Manufacturing, ArvinMeritor, Meritor or some other entity). These witnesses can also help us understand what role third parties (outside of the EPA) have had in determining whether actions would or would not be taken at or near the site, relative safety posed by various threats (immediate, present, or long term), the analysis of long term exposure risk to each of the constituent contaminants found at the site and nearby and other related studies. These witnesses can also help us understand what response the EPA undertook when it learned about the unleaded gasoline spill from the underground storage tanks at the plant facility and what analysis it has performed on the spread of the BTEX chemicals that flow from that known spill site.

Additionally, we are interested to understand whether any efficacy analysis was undertaken by the Agency or produced to the Agency by the operators or their own inspectors in the 2004 – 2010 timeframe of the PRB wall. We are interested in understanding what EPA understood as to the efficacy of their plans/actions for stopping the migration of carcinogens from the site, and restoring the site to its most beneficial use in a reasonable timeframe.

By getting testimony from the regulatory personnel in charge of this RCRA site on these matter (given by way of example and not limitation), EPA can achieve a level of transparency and provide information to the Court that is in EPA's interest.

Thank you for your attention to this matter,

Marquette Wolf

TED B. LYON
ASSOCIATES

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Paralegal to Marquette Wolf
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†Board Certified in
Civil Appellate Law -
Texas Board of Legal Specialization

July 25, 2017

Feleica Wilson
AUS Attorney
900 Jefferson Ave.
Oxford, MS 38655

Re: Notice of Subpoena to government employees

Ms. Wilson:

In connection with the following cases, Plaintiffs seek the depositions of Anderson, Bastek and Bentkowski:

BRENDA J. COOPER, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-52-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

- Consolidated With -

JOE SLEDGE, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-53-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

-and-

KATHERINE LONGSTREET COOKE, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-54-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

-and-

SRA INVESTMENT, LLC, ET AL. — PLAINTIFFS
versus — Civil Action No. 4:16-cv-55-DMB-JMV
MERITOR, INC., ET AL. — DEFENDANTS

Exhibit 2

-and-

FELICIA WILLIS, ET AL. PLAINTIFFS
versus Civil Action No. 4:16-cv-56-DMB-JMV
MERITOR, INC., ET AL. DEFENDANTS

These cases are pending in the Northern District of Mississippi, Greenville Division.

While these depositions are not critical to the Plaintiffs cases, we believe that they would be informative, from a factual and technical perspective to help the trier of fact understand what has, or in many cases has not happened in the area around the Grenada Manufacturing facility, formerly operated by Rockwell and Textron (presently operated by Ice Industries). These depositions would allow us to examine what the decision making process at EPA has been since the 1990s when the Agency learned of contamination from known carcinogens, whether or not the Agency allowed continued contamination and at what levels, the Agency's knowledge of what is presently in the ground in Grenada County and spreading, and what remedial action was ordered to preclude having the carcinogens remain there for decades. These depositions would allow us to uncover the efficacy (or lack thereof) of the remedial measures that have been utilized which have allowed the spread of known carcinogens into Eastern Heights neighborhood to the north and Riverdale Creek to the west (beyond the permeable reactive barrier). This will allow us to uncover what information was discovered and considered by the EPA during various time periods as compared to what information was *discoverable* by the EPA (yet not actually discovered or considered) or that should have been self-reported by the operators of the facility. Transparency in these matters is always in the interests of the EPA.

Over the course of the last few decades a number of orders, agreements, statements and determinations have been published by various agents of region 4 EPA. It is not necessary to depose all of the personnel on this site; Plaintiffs believe that the 3 witnesses identified have the knowledge base to help us understand the methodology used in the various decisions/pronouncements/determinations. These witnesses can help us understand the extent to which EPA has based decisions etc. on independently obtained data and information versus data and information provided by the responsible party (whether that be Grenada Manufacturing, ArvinMeritor, Meritor or some other entity). These witnesses can also help us understand what role third parties (outside of the EPA) have had in determining whether actions would or would not be taken at or near the site, relative safety posed by various threats (immediate, present, or long term), the analysis of long term exposure risk to each of the constituent contaminants found at the site and nearby and other related studies. These witnesses can also help us understand what response the EPA undertook when it learned about the unleaded gasoline spill from the underground storage tanks at the plant facility and what analysis it has performed on the spread of the BTEX chemicals that flow from that known spill site.

Additionally, we are interested to understand whether any efficacy analysis was undertaken by the Agency or produced to the Agency by the operators or their own inspectors in the 2004 - 2010 timeframe of the PRB wall. We are interested in understanding what EPA understood as

to the efficacy of their plans/actions for stopping the migration of carcinogens from the site, and restoring the site to its most beneficial use in a reasonable timeframe.

By getting testimony from the regulatory personnel in charge of this RCRA site on these matter (given by way of example and not limitation), EPA can achieve a level of transparency and provide information to the Court that is in EPA's interest.

These witnesses were served with the subpoena, through counsel, this morning.

Thank you for your attention to this matter,

Marquette Wolf

AO 88A (Rev 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Mississippi

BRENDA J. COOPER, et al. *Plaintiff* v. MERITOR, INC., et al. *Defendant*	)	Civil Action No. 4:16-cv-DMB-JMV

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: MEREDITH ANDERSON

(Name of person to whom this subpoena is directed)

☑ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place:	Date and Time:
Veritext Atlanta, 1075 Peachtree Street, Ste. 3625, Atlanta, Georgia 30309	08/10/2017 10:00 am

The deposition will be recorded by this method: stenographically and video

☐ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/24/2017

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Brenda J. Cooper, et al, Plaintiffs, who issues or requests this subpoena, are:

Marquette Wolf, Ted B. Lyon & Associates, PC, 18601 LBJ Freeway, Ste. 525, Mesquite, TX 75150, 972-279-6571, mwolf@tedlyon.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 4:16-cv-DMB-JMV

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows:

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

BRENDA J. COOPER, ET AL.	PLAINTIFFS
versus	Civil Action No. 4:16-cv-52-DMB-JMV
MERITOR, INC., ET AL.	DEFENDANTS

- Consolidated With -

JOE E. SLEDGE, ET AL.	PLAINTIFFS
versus	Civil Action No. 4:16-cv-53-DMB-JMV
MERITOR, INC., ET AL.	DEFENDANTS

- and -

KATHERINE LONGSTREET COOKE, ET AL.	PLAINTIFFS
versus	Civil Action No. 4:16-cv-54-DMB-JMV
MERITOR, INC., ET AL.	DEFENDANTS

- and -

SRA INVESTMENTS, LLC, ET AL.	PLAINTIFFS
versus	Civil Action No. 4:16-cv-55-DMB-JMV
MERITOR, INC., ET AL.	DEFENDANTS

- and -

FELICIA WILLIS, ET AL.	PLAINTIFFS
versus	Civil Action No. 4:16-cv-56-DMB-JMV
MERITOR, INC., ET AL.	DEFENDANTS

NOTICE OF DEPOSITION OF MEREDITH ANDERSON

TO: All Counsel of Record

PLEASE TAKE NOTICE that pursuant to Federal Rules of Civil Procedure 30, Plaintiffs' will take the deposition of MEREDITH ANDERSON. The deposition will take place at the following location, date and time:

Veritext Atlanta
1075 Peachtree Street, Suite 3625
Atlanta, GA 30309

August 10, 2017 at 10:00 a.m.

The deposition will be taken both stenographically and by video, before a notary public, or some other officer authorized to administer oaths. The deposition will continue from day to day until completed.

This the 24th day of July, 2017.

Respectfully submitted

BRENDA J. COOPER, ET AL., Plaintiffs

By: */s/Marquette Wolf*
MARQUETTE WOLF (MB NO. 104996)
PLAINTIFFS' ATTORNEY

OF COUNSEL:

TED B. LYON & ASSOCIATES, P.C.
18601 LBJ Freeway, Suite 525
Mesquite, Texas 75150
Phone (972) 279-6571
Fax (972) 279-3021
Email: mwolf@tedlyon.com

CERTIFICATE OF SERVICE

I, Marquette Wolf, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the ECF system, which sent notification to all parties registered with the ECF system.

E-mail: phillip.sykes@butlersnow.com
E-mail: trudy.fisher@butlersnow.com
E-mail: barber.boone@butlersnow.com
E-mail: leaann.smith@butlersnow.com
E-mail: bsmith@balch.com
E-mail: wboone@balch.com
E-mail: lsmith@balch.com
E-mail: cwhite@balch.com
E-mail: ccooper@balch.com
E-mail: dlancaster@listonlancaster.com
E-mail: wlist3@aol.com
E-mail: Lawrence@deaslawfirm.com
E-mail: greg@gregremmenga.com
E-mail: reidstanford@gmail.com
E-mail: sfunderburg@fsplaw.com
E-mail: tblyon@tedlyon.com
E-mail: btaylor@tedlyon.com
E-mail: cbennett@tedlyon.com

SO CERTIFIED, this the 24th day of July, 2017.

/s/ Marquette Wolf
Marquette Wolf

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Mississippi

BRENDA J. COOPER, et al. *Plaintiff* v. MERITOR, INC., et al. *Defendant*	)	Civil Action No. 4:16-cv-DMB-JMV

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: BRIAN BASTEK

(Name of person to whom this subpoena is directed)

☑ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place:	Date and Time:
Veritext Atlanta, 1075 Peachtree Street, Ste. 3625, Atlanta, Georgia 30309	08/10/2017 10:00 am

The deposition will be recorded by this method: stenographically and video

☐ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/24/2017

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Brenda J. Cooper, et al, Plaintiffs, who issues or requests this subpoena, are:

Marquette Wolf, Ted B. Lyon & Associates, PC, 18601 LBJ Freeway, Ste. 525, Mesquite, TX 75150, 972-279-6571, mwolf@tedlyon.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 4:16-cv-DMB-JMV

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows:

_____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because:

_____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

$ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

_____

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

BRENDA J. COOPER, ET AL.	PLAINTIFFS
versus	Civil Action No. 4:16-cv-52-DMB-JMV
MERITOR, INC., ET AL.	DEFENDANTS

- Consolidated With –

JOE E. SLEDGE, ET AL.	PLAINTIFFS
versus	Civil Action No. 4:16-cv-53-DMB-JMV
MERITOR, INC., ET AL.	DEFENDANTS

- and -

KATHERINE LONGSTREET COOKE, ET AL.	PLAINTIFFS
versus	Civil Action No. 4:16-cv-54-DMB-JMV
MERITOR, INC., ET AL.	DEFENDANTS

- and -

SRA INVESTMENTS, LLC, ET AL.	PLAINTIFFS
versus	Civil Action No. 4:16-cv-55-DMB-JMV
MERITOR, INC., ET AL.	DEFENDANTS

- and -

FELICIA WILLIS, ET AL.	PLAINTIFFS
versus	Civil Action No. 4:16-cv-56-DMB-JMV
MERITOR, INC., ET AL.	DEFENDANTS

NOTICE OF DEPOSITION OF BRIAN BASTEK

TO: All Counsel of Record

PLEASE TAKE NOTICE that pursuant to Federal Rules of Civil Procedure 30, Plaintiffs' will take the deposition of BRIAN BASTEK. The deposition will take place at the following location, date and time:

Veritext Atlanta
1075 Peachtree Street, Suite 3625
Atlanta, GA 30309

August 10, 2017 at 10:00 a.m.

The deposition will be taken both stenographically and by video, before a notary public, or some other officer authorized to administer oaths. The deposition will continue from day to day until completed.

This the 24th day of July, 2017.

Respectfully submitted

BRENDA J. COOPER, ET AL., Plaintiffs

By: */s/Marquette Wolf*
MARQUETTE WOLF (MB NO. 104996)
PLAINTIFFS' ATTORNEY

OF COUNSEL:

TED B. LYON & ASSOCIATES, P.C.
18601 LBJ Freeway, Suite 525
Mesquite, Texas 75150
Phone (972) 279-6571
Fax (972) 279-3021
Email: mwolf@tedlyon.com

CERTIFICATE OF SERVICE

I, Marquette Wolf, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the ECF system, which sent notification to all parties registered with the ECF system.

E-mail: phillip.sykes@butlersnow.com
E-mail: trudy.fisher@butlersnow.com
E-mail: barber.boone@butlersnow.com
E-mail: lcaann.smith@butlersnow.com
E-mail: bsmith@balch.com
E-mail: wboone@balch.com
E-mail: lsmith@balch.com
E-mail: cwhite@balch.com
E-mail: ccooper@balch.com
E-mail: dlancaster@listonlancaster.com
E-mail: wlist3@aol.com
E-mail: Lawrence@deaslawfirm.com
E-mail: greg@gregremmenga.com
E-mail: reidstanford@gmail.com
E-mail: sfunderburg@fsplaw.com
E-mail: tblyon@tedlyon.com
E-mail: btaylor@tedlyon.com
E-mail: cbennett@tedlyon.com

SO CERTIFIED, this the 24th day of July, 2017.

/s/ Marquette Wolf
Marquette Wolf

AO 88A (Rev 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Mississippi

BRENDA J. COOPER, et al.
Plaintiff
v.
MERITOR, INC., et al.
Defendant

Civil Action No. 4:16-cv-DMB-JMV

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: BEN BENTKOWSKI

(Name of person to whom this subpoena is directed)

☑ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place:	Date and Time:
Veritext Atlanta, 1075 Peachtree Street, Ste. 3625, Atlanta, Georgia 30309	08/10/2017 10:00 am

The deposition will be recorded by this method: stenographically and video

☐ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/24/2017

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Brenda J. Cooper, et al, Plaintiffs, who issues or requests this subpoena, are:

Marquette Wolf, Ted B. Lyon & Associates, PC, 18601 LBJ Freeway, Ste. 525, Mesquite, TX 75150, 972-279-6571, mwolf@tedlyon.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 4:16-cv-DMB-JMV

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*

on *(date)* .

☐ I served the subpoena by delivering a copy to the named individual as follows:

on *(date)* ; or

☐ I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

$.

My fees are $ for travel and $ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date:

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees - on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

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For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

BRENDA J. COOPER, ET AL.	PLAINTIFFS
versus	Civil Action No. 4:16-cv-52-DMB-JMV
MERITOR, INC., ET AL.	DEFENDANTS

- Consolidated With –

JOE E. SLEDGE, ET AL.	PLAINTIFFS
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- and -

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TO: All Counsel of Record

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1075 Peachtree Street, Suite 3625
Atlanta, GA 30309

August 10, 2017 at 10:00 a.m.

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This the 24th day of July, 2017.

Respectfully submitted

BRENDA J. COOPER, ET AL., Plaintiffs

By: */s/Marquette Wolf*
MARQUETTE WOLF (MB NO. 104996)
PLAINTIFFS'ATTORNEY

OF COUNSEL:

TED B. LYON & ASSOCIATES, P.C.
18601 LBJ Freeway, Suite 525
Mesquite, Texas 75150
Phone (972) 279-6571
Fax (972) 279-3021
Email: mwolf@tedlyon.com

CERTIFICATE OF SERVICE

I, Marquette Wolf, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the ECF system, which sent notification to all parties registered with the ECF system.

E-mail: phillip.sykes@butlersnow.com
E-mail: trudy.fisher@butlersnow.com
E-mail: barber.boone@butlersnow.com
E-mail: leaann.smith@butlersnow.com
E-mail: bsmith@balch.com
E-mail: wboone@balch.com
E-mail: lsmith@balch.com
E-mail: cwhite@balch.com
E-mail: ccooper@balch.com
E-mail: dlancaster@listonlancaster.com
E-mail: wlist3@aol.com
E-mail: Lawrence@deaslawfirm.com
E-mail: greg@gregremmenga.com
E-mail: reidstanford@gmail.com
E-mail: sfunderburg@fsplaw.com
E-mail: tblyon@tedlyon.com
E-mail: btaylor@tedlyon.com
E-mail: cbennett@tedlyon.com

SO CERTIFIED, this the 24th day of July, 2017.

/s/ Marquette Wolf
Marquette Wolf

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI GREENVILLE DIVISION

BRENDA J. COOPER, ET AL, **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-052 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- Consolidated With -

JOE E. SLEDGE, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-053 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and -

KATHERINE LONGSTREET COOKE, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-054 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and -

SRA INVESTMENTS, LLC., ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16cv-055 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and –

FELICIA WILLIS, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16cv-056 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

MOTION TO QUASH

COMES NOW, the United States of America on behalf of the United States Environmental Protection Agency ("EPA"), Intervener for purposes of this Motion, and files this Motion to Quash Subpoena (Documents No. 264, 265 and 266). On or about July 25, 2017, Attorney Wolf served three subpoenas to depose three EPA Region 4 employees, Brian

Bastek, Meredith Anderson, and Ben Bentkowski, in the above-referenced litigation. Inasmuch as EPA is not a party to the above referenced litigation and the information that Attorney Wolf seeks can be obtained through other means, pursuant to 40 C.F.R., Part 2, et al., EPA respectfully requests that the Court quash the Subpoenas docketed as Document Nos. 264, 265 and 266.

EPA through the undersigned counsel, has conferred with Attorney Wolf, and the parties are unable to resolve the matter. See Good Faith Certificate, Ex. 1.

In support of its Motion, EPA submits its Memorandum filed contemporaneously herewith and Exhibit 1, the Good Faith Certificate between counsel dated August 7, 2017.

DATED: August 7, 2017.

Respectfully submitted,

ROBERT H. NORMAN
Acting United States Attorney

By: /s/ Feleica L. Wilson
FELEICA L. WILSON
Assistant United States Attorney
Northern District of Mississippi
Mississippi State Bar No. 9900
900 Jefferson Avenue
Oxford, MS 38655-3608
Telephone: (662) 234-3351
Facsimile: (662) 234-3318
Feleica.wilson@usdoj.gov

CERTIFICATE OF SERVICE

I, FELEICA L. WILSON, Assistant United States Attorney for the Northern District of Mississippi, hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Honorable Phillip S. Sykes
Phillip.sykes@butlersnow.com

Honorable Trudy Fisher
Trudy.fisher@butlersnow.com

Honorable Leaann Smith
Leaann.smith@butlersnow.com

Honorable Barber Boone
Barber.boone@butlersnow.com

Honorable Tim Coughlin
Tim.coughlin@thompsonhine.com

Honorable Bill Hubbard
Bill.hubbard@thompsonhine.com

Honorable Alan D. Lancaster
dlancaster@listonlancaster.com

Honorable William Liston, III
Wlist3@aol.com

Honorable William Lawrence Deas
lawrence@deaslawfirm.com

Honorable Ted B. Lyon
tblyon@tedlyon.com

Honorable Ben Taylor
btaylor@tedlyon.com

Honorable Charles Bennett
cbennett@tedlyon.com

Honorable Marquette William Wolf
mwolf@tedlyon.com

Honorable Greg G. Remmenga
greg@gregremmenga.com

Honorable Marvin Reid Stanford
reidstanford@gmail.com

Honorable Steven H. Funderburg
sfunderburg@fsplawfirm.com

Honorable Christine Crockett White
cwhite@balch.com

Honorable Clark Andrew Cooper
ccooper@balch.com

Honorable Lucien Smith
lsmith@balch.com

Honorable Walter H. Boone
wboone@balch.com

Honorable William L. Smith
bsmith@balch.com

This the 7th day of August, 2017.

/s/ Feleica L. Wilson
FELEICA L. WILSON
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI GREENVILLE DIVISION

BRENDA J. COOPER, ET AL,	**PLAINTIFFS**
versus	**CIVIL ACTION NO. 4:16-cv-052 DMB-JMV**
MERITOR, INC., ET AL.	**DEFENDANTS**

- Consolidated With -

JOE E. SLEDGE, ET AL.	**PLAINTIFFS**
versus	**CIVIL ACTION NO. 4:16-cv-053 DMB-JMV**
MERITOR, INC., ET AL.	**DEFENDANTS**

- and -

KATHERINE LONGSTREET COOKE, ET AL.	**PLAINTIFFS**
versus	**CIVIL ACTION NO. 4:16-cv-054 DMB-JMV**
MERITOR, INC., ET AL.	**DEFENDANTS**

- and -

SRA INVESTMENTS, LLC., ET AL.	**PLAINTIFFS**
versus	**CIVIL ACTION NO. 4:16cv-055 DMB-JMV**
MERITOR, INC., ET AL.	**DEFENDANTS**

- and –

FELICIA WILLIS, ET AL.	**PLAINTIFFS**
versus	**CIVIL ACTION NO. 4:16cv-056 DMB-JMV**
MERITOR, INC., ET AL.	**DEFENDANTS**

GOOD FAITH CERTIFICATE

All counsel to this motion certify that they have conferred in good faith to resolve the issues in question and that it is necessary to file the following motion:

Motion to Quash

Exhibit 1

Counsel further certify that:

√as appropriate:

____ 1. The motion is unopposed by all parties.

____ 2. The motion is unopposed by:

✓ 3. The motion is opposed by:

Marquette Wolf, Esq.
Ted B. Lyons & Associates, P.C.
Town East Tower-Suite 525
18601 LFJ Freeway
Mesquite, TX 75150
(MB No. 104996)
Plaintiff's Attorney

____ 4. The parties agree that replies and rebuttals to the motion will be submitted to the magistrate judge in accordance with the time limitations stated in L.U. Civ.R. 7(b)(4).

This the 7th day of August, 2017.

Signature of Plaintiff's Attorney

Marquette Wolf (MB No. 104996)
Typed Name and Bar Number

Signature of Defendant's Attorney

Feleica L. Wilson (MSB No. 9900)
Typed Name and Bar Number
U.S. Attorney's Office, ND MS
900 Jefferson Avenue
Oxford, MS 38655
662-234-3351 Phone
662-234-3318 Fax
Feleica.wilson@usdoj.gov

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI GREENVILLE DIVISION

BRENDA J. COOPER, ET AL, **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-052 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- Consolidated With -

JOE E. SLEDGE, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-053 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and -

KATHERINE LONGSTREET COOKE, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16-cv-054 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and -

SRA INVESTMENTS, LLC., ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16cv-055 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

- and –

FELICIA WILLIS, ET AL. **PLAINTIFFS**

versus **CIVIL ACTION NO. 4:16cv-056 DMB-JMV**

MERITOR, INC., ET AL. **DEFENDANTS**

STIPULATION

COMES NOW the United States Environmental Protection Agency (EPA) and the Plaintiffs in the above referenced action as represented by their undersigned counsels of record, and stipulate pursuant to Fed. R. Civ.P. Rule 29(b) that the scheduled time to take the depositions of EPA Region 4 employees, Brian Bastek, Meredith Anderson, and Ben

CERTIFICATE OF SERVICE

I, FELEICA L. WILSON, Assistant United States Attorney for the Northern District of Mississippi, hereby certify that I have electronically filed the foregoing Stipulation with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Honorable Phillip S. Sykes
Phillip.sykes@butlersnow.com

Honorable Trudy Fisher
Trudy.fisher@butlersnow.com

Honorable Leaann Smith
Leaann.smith@butlersnow.com

Honorable Barber Boone
Barber.boone@butlersnow.com

Honorable Tim Coughlin
Tim.coughlin@thompsonhine.com

Honorable Bill Hubbard
Bill.hubbard@thompsonhine.com

Honorable Alan D. Lancaster
dlancaster@listonlancaster.com

Honorable William Liston, III
Wlist3@aol.com

Honorable William Lawrence Deas
lawrence@deaslawfirm.com

Honorable Ted B. Lyon
tblyon@tedlyon.com

Honorable Ben Taylor
btaylor@tedlyon.com

Honorable Charles Bennett
cbennett@tedlyon.com

CT Corporation

Service of Process Transmittal

07/24/2017
CT Log Number 531632068

TO: Scott Ullman
Tetra Tech, Inc.
3475 E Foothill Blvd
Pasadena, CA 91107-6024

RE: **Process Served in Mississippi**

FOR: Tetra Tech, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	Brenda J. Cooper, et al., Pltfs. vs. MERITOR, INC., et al., Dfts. // To: Tetra Tech, Inc.
DOCUMENT(S) SERVED:	Subpoena, Proof of Service, Attachment, Exhibit(s)
COURT/AGENCY:	Northern District of Mississippi - United States District Court, MS Case # 416CV52DMBJMV
NATURE OF ACTION:	Subpoena - Business records - Pertaining to the facility of the Easter Heights Neighborhood
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Flowood, MS
DATE AND HOUR OF SERVICE:	By Process Server on 07/24/2017 at 14:48
JURISDICTION SERVED :	Mississippi
APPEARANCE OR ANSWER DUE:	08/07/2017 at 09:00 a.m. (Document(s) may contain additional answer dates)
ATTORNEY(S) / SENDER(S):	Lea Ann Smith Butler Snow LLP 1020 Highland Colony Parkway, Suite 1400 Ridgeland, MS 39157 504-299-7746
ACTION ITEMS:	CT has retained the current log, Retain Date: 07/25/2017, Expected Purge Date: 07/30/2017 Image SOP Email Notification, Karen Miller Karen.Miller@tetratech.com Email Notification, Scott Ullman Scott.Ullman@tetratech.com
SIGNED:	C T Corporation System
ADDRESS:	645 Lakeland East Drive Suite 101 Flowood, MS 39232
TELEPHONE:	214-932-3601

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Mississippi

BRENDA J. COOPER, ET AL

Plaintiff

v.

MERITOR, INC., ET AL

Defendant

Civil Action No. 4:16-CV-52-DMB-JMV

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: TETRA TECH, INC.
c/o CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, MS 39232

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

See attached Exhibit "1".

Place: BUTLER SNOW LLP 1020 Highland Colony Parkway, Suite 1400 Ridgeland, MS 39157	Date and Time: 08/07/2017 9:00 am

☐ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/24/2017

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR Lea Ann Smith

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Meritor, Inc., Rockwell Automation, Inc. and The Boeing Company, who issues or requests this subpoena, are:
Lea Ann Smith, Butler Snow, 1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157; LeaAnn.Smith@butlersnow.com; 504-299-7746

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 4:16-CV-52-DMB-JMV

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

$ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) ***Appearance Not Required.*** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) ***Objections.*** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) ***When Required.*** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) ***When Permitted.*** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) ***Specifying Conditions as an Alternative.*** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) ***Documents.*** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) ***Form for Producing Electronically Stored Information Not Specified.*** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) ***Electronically Stored Information Produced in Only One Form.*** The person responding need not produce the same electronically stored information in more than one form.

(D) ***Inaccessible Electronically Stored Information.*** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) ***Information Withheld.*** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) ***Information Produced.*** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

EXHIBIT "1"

DEFINITIONS AND INSTRUCTIONS

1. The term "document(s)" is intended to be interpreted in its broadest possible sense and means the complete original or a true, correct and complete copy and any non-identical copies of any written or graphic manner, no matter how produced, recorded, stored or reproduced, including, but not limited to, any writing, letter, envelope, telegram, electronic mail, message, computer file, on-line social media posting, text message, meeting minute, memorandum, statement, book, record, survey, map, study, handwritten note, working paper, chart, tabulation, graph, tape, data sheet, data processing card, printout, microfilm, index, appointment book, diary, diary entry, calendar, calendar entry, desk pad, telephone message slip, note of interview or communication or any other data compilation in your possession, custody, or control, including all drafts of all such documents.

2. "Communication" means any exchange or transmittal of information by any means of Transmission, including, without limitation, mail, overnight delivery, electronic mail, text message, social media message or facsimile.

3. The terms "relating to" means to make a statement about, refer to, discuss, describe, reflect, identify, deal with consist of, or in any way pertain, in whole or in part, to the subject.

4. The term "Facility" shall mean the Grenada Manufacturing Facility in Grenada, Mississippi.

5. The term "Eastern Heights Neighborhood" shall mean the Eastern Heights neighborhood or subdivision located in Grenada, Mississippi, including any and all properties within that neighborhood.

6. The term "Tetra Tech Report" shall mean Tetra Tech's April 28, 2017 Final Expanded Site Inspection Report, Revision 1, Grenada Manufacturing ESI (U.S. EPA ID NO. MSD007037278).

DOCUMENTS REQUESTS

1. All documents relating to any communications with any of the following individuals or entities relating to the Facility or the Eastern Heights Neighborhood:

   a. Mississippi Department of Environmental Quality;
   b. Mississippi State Department of Health;
   c. U.S. EPA;

d. William Liston III or W. Lawrence Deas or anyone from the offices of Liston & Deas, PLLC
e. Marquette Wolf or anyone from the offices of Ted B. Lyon & Associates, P.C.;
f. Reid Stanford or anyone from Mr. Stanford's office;
g. Steven Funderburg or anyone from the offices of Funderburg Sessums & Peterson, PLLC;
h. James Brinkman;
i. D. Scott Simonton;
j. David Jenkins; or
k. Jim Fineis or anyone at Atlas-Geo-Sampling Company.

2. All documents relating to any communications with any of the following individuals or entities relating to the Tetra Tech Report:

a. Mississippi Department of Environmental Quality;
b. Mississippi State Department of Health;
c. U.S. EPA;
d. William Liston III or W. Lawrence Deas or anyone from the offices of Liston & Deas, PLLC
e. Marquette Wolf or anyone from the offices of Ted B. Lyon & Associates, P.C.;
f. Reid Stanford or anyone from Mr. Stanford's office;
g. Steven Funderburg or anyone from the offices of Funderburg Sessums & Peterson, PLLC;
h. James Brinkman;
i. D. Scott Simonton;
j. David Jenkins; or
k. Jim Fineis or anyone at Atlas-Geo-Sampling Company.

3. Any documents, including any test results or reports, that relate to any alleged contamination of, on, or under any property in the Eastern Heights Neighborhood or surrounding area.

4. Any documents, including any test results or reports, that relate to any alleged contamination of, on, or under the Facility or surrounding area.